(ii) S.O. No. 319(E), dated the 11th April, 1990, publishing the Income-tax (Ninth Amendment) Rules, 1990.

(iii) S.O. No. 325(E), dated the 12th April, 1990, publishing the Income-tax (Tenth Amendment) Rules, 1990.

(iv) S.O. No. 354(E), dated the 26th April, 1990, publishing the Income-tax (Eleventh Amendment, Rules), 1990.

[Placed in Library. *See* No. LT-1015/90 for (i) to (iv)].

[**The Deputy Chairman** *in the* Chair]

SHRI M.M. JACOB (Kerala): There is no Parliamentary Affairs Minister. Unless there is an authorisation by the Chair, he can't lay it.

THE DEPUTY CHAIRMAN: The Parliamentary Affairs Minister has to run between Lok Sabha and the Rajya Sabha.

SHRI M.M. JACOB: Madam, my point is unless it is authorised by you, he cannot lay it. It is an insult to the House.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Madam, I am on a point of order. I met the Chairman this morning in his chamber and brought to his notice a very serious matter about the Prime Minister's Office hushing up a man-slaughter which as appeared in the *Blitz*. I would like the Government to make a statement on this issue.

QUESTION OF PRIVILEGE ARISING OUT OF A STATEMENT ISSUED BY SHRI K.K. TEWARY DEROGATORY TO THE DIGNITY OF THE CHAIRMAN, RAJYA SABHA — Contd.

SHRI YASHWANT SINHA (Bihar): Madam, we have given a privilege notice and I would like to say a few words on that. (*Interruptions*)

THE LEADER OF THE OPPOSITION (SHRI P. SHIV SHANKER): Madam, may I just make one submission? (*Interruptions*)

SHRI YASHWANT SINHA: Madam, this is about the privilege of the House which has been affected.

SHRI P.K. KUNJACHEN (Kerala): Madam, I want to raise a very important issue. (*Interruptions*)

SHRI YASHWANT SINHA: I want to speak about the privilege of the House which has been violated... (*Interruptions*)

SHRI DIPEN GHOSH (West Bengal): It is affecting the privilege of the House. (*Interruptions*)

SHRI YASHWANT SINHA: Madam, it is the privilege of the whole House, the privilege of the Chairman of this House.

THE DEPUTY CHAIRMAN: Just a minute. I agree with the Members. Just now the Secretariat gave it to me. Before me there are three privilege motions which have come. I believe the Chairman said when he was in the Chair that the privilege motions will be considered and examined and then he will see what he should do about it. Whatever decision the Chairman takes, we will proceed with it. But without the Chairman's consent I cannot say anything about it.

SHRI P. SHIV SHANKER: Madam, may I make a submission? (*Interruptions*)

SHRI DIPEN GHOSH: Madam, it is a question of the privilege of the Rajya Sabha. (*Interruptions*) It is a question where the very Rajya Sabha has been publicly castigated. (*Interruptions*)

SHRI KAMAL MORARKA (Rajasthan): Madam, it is a very serious matter. That has never come up in the House. It is unprecedented. (*Interruptions*)

SHRI YASHWANT SINHA: It is unprecedented. (*Interruptions*) No rules in the House govern this unprecedented matter. (*Interruptions*)

SHRI KAMAL MORARKA: If any Tom, Dick and Harry says anything against our Chairman, should we tolerate it?..(*Interruptions*)..

SHRI YASHWANT SINHA: He must

be brought to this House in handcuffs now. ...*(Interruptions)*... Wherever he is, he must be brought to this House under arrest. he must come to this House. ...*(Interruptions)*...

SHRI V. GOPALSAMY (Tamil Nadu): Madam, I have already moved a privilege motion.

SHRI DIPEN GHOSH: I want to move a motion.

SHRI YASHWANT SINHA: Bring him to the floor of the House

SHRI DIPEN GHOSH: The privilege of the House is involved. ...*(Interruptions)*...

SHRI P. SHIV SHANKER: Madam, I may be allowed to make a submission on our stand. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: I can allow provided everybody listens to me.

SHRI V. GOPALSAMY: I have already given a privilege notice. My notice is the first notice. ...*(Interruptions)*...

SHRI DIPEN GHOSH: He has publicly castigated the Chairman of the Rajya Sabha. ...*(Interruptions)*...

SHRI YASHWANT SINHA: It is now a question of breach of privilege of the Chairman of this House. Therefore, I demand that he must be arrested and brought to this House right away. ...*(Interruptions)*... Mr. K.K. Tewary must be brought to this House right now.

SHRI P. SHIV SHANKER: I may be allowed to make a submission on the stand of our party. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: I think, Mr. Shiv Shanker wants to say about the stand of his party.

SHRI YASHWANT SINHA: Mr. K.K. Tewary must be brought to the bar of the House now.

SHRI DIPEN GHOSH: It is the privilege of the House. It is the prestige of the House. The member must be arrested straightway.

SHRI P. SHIV SHANKER: You don't want us to say anything. You must allow me to speak. ...*(Interruptions)*... Let me say something.

SHRI YASHWANT SINHA: He must be brought to the bar of the House.

SHRI P. SHIV SHANKER: You must give me a chance to speak, then, Ihave no objection to what you are saying. You must listen to our view also. ...*(Interruptions)*...

SHRI YASHWANT SINHA: You bring disgrace to the Indian democracy.

SHRI P. SHIV SHANKER: If you do not want the House. ...*(Interruptions)*... That is a different issue.

SHRI YASHWANT SINHA: He is a disgrace to the Indian democracy. ...*(Interruptions)*.. If you do not know how to deal with him, we know how to deal with him.

SHRI P. SHIV SHANKER: Mr. Sinha, without listening, you are going on saying. ...*(Interruptions)*... You do not want to listen to our views.

SHRI N.K.P. SALVE (Maharashtra): Mr. Sinha, you continue with your demand but listen to him also. ...*(Interruptions)*...

SHRI P. SHIV SHANKER: Our party stand is ...*(Interruptions)*...

SHRI DIPEN GHOSH: Mr. Tewary has castigated the Chairman of the Rajya Sabha. He must be summoned to the House to express an apology.

श्री एन० के० पी० साल्वे: अरे भाई, अपनी डिमांड पर कायम रहिएगा, लेकिन सुन तो लीजिए। ...(व्यवधान)... क्या आपकी ही सुनवाई है, दूसरे की सुनवाई नहीं है आप सुन तो लीजिए। आप सुनने को ही तैयार नहीं हैं। यह कहां का दस्तूर है? ...(व्यवधान)... आपका यह दस्तूर कहां का है? आप अपनी डिमांड कायम रखिएगा, मगर सुन तो लीजिएगा आप। ...(व्यवधान)...

SHRI P. SHIV SHANKER: For once, there seems to be a change. The ruling party is misbehaving. ...*(Interruptions)*...

SOME HON. MEMBERS: Bring him

THE DEPUTY CHAIRMAN: Will the hon. Members. ...(*Interruptions*)... Please, have peace. Now, as the Chairman did not allow further discussion, you said you are going to raise it after 13 o'clock. For 10 or 11 minutes I could hear the sentiments and the agony of Members. And Mr. Shiv Shanker also wanted to say something. ...(*Interruptions*)...

DR. YELAMANCHILI SIVAJI (Andhra Pradesh): Our notice is there.

SHRI V. GOPALSAMY: We raised it.

THE DEPUTY CHAIRMAN: My second sentence is something. ...(*Interruptions*)... Hon. Members, you cannot read what is my mind. Please let me complete my second sentence. I have already three privilege motions over here. And Members are very unhappy about what happened. I really feel that it is a very serious matter as it is a question of the House. Mr. Dipen Ghosh was trying to tell me now that yesterday one lady Member was arrested and we really did not work, no business was transacted...(*Interruptions*)... Yes. I am happy she is there. We took very great exception to the police behaviour towards her and we really made the Government come forward to give a statement on the issue. ...(*Interruptions*)... Both the sides. I am saying, the entire House, cutting across party lines. It was a question of a Member. But today it is a very very serious matter. ...(*Interruptions*)... The entire House agrees. The entire House. ...(*Interruptions*)...

SHRI YASHWANT SINHA: Madam, I will just make one point, if you give me one minute. ...(*Interruptions*)...

SHRI DIPEN GHOSH: The Chairman of Rajya Sabha has been castigated. ...(*Interruptions*)...

SHRI YASHWANT SINHA: Madam, ...(*Interruptions*).

SHRI P. SHIV SHANKER: You are not allowing me to speak.

SHRI YASHWANT SINHA: Please hear me. You respond after hearing me.

SHRI P. SHIV SHANKER: I am not stopping you. But you do not allow me.

SHRI YASHWANT SINHA: I will allow you to speak if you allow me to speak.

Madam Deputy Chairman, many of us here have raised a very important matter concerning the privilege of this House, the privilege and the honour of the Presiding Officer of the House, the Chairman of the House, no less a person than the very Chairman of this House who is the protector of the dignity, decency and decorum of this House. He has been brought under question by a most scurrilous statement which has appeared in newspapers today. Now, during the Question Hour, we wanted to have the Question Hour suspended and raise this matter. My colleague Mr. Gopalsamy and all of us were pressing for it. But we conceded to the wishes of the Chairman. But when he said that we should go on with the Question Hour, we said, "We shall go on with the Question Hour, but we shall definitely raise it in the House after 12 o'clock." And he agreed to that and we have a right to raise this matter here. I will make one point, Madam Deputy Chairman. why I am raising it in this House. ...(*Interruptions*)... One moment. When the privilege of a Member was involved, all of us feel agitated, like we did yesterday. I am grateful to the whole House which felt agitated when I was arrested in Chandigarh. This time, it is much more serious as you yourself said, Madam Deputy Chairman.

It involves the honour and dignity of the Chairman of the House. Now we know that we have a Privileges Committee presided over by you, but it is my most respectful submission that in view of the seriousness of this matter which involves the dignity, honour and privilege of the Chairman of this House,

the House and not the Privileges Committee, must discuss this matter here and now. And, therefore, this discussion, Madam Deputy Chairman, can take place only when the guilty person, namely, Mr. K.K. Tewari is arrested and brought before the bar of this House. And we shall discuss this matter ...*(Interruptions)*... We shall discuss this matter and we will take further action. This is what I want to say and I would like to listen to my other colleagues but please give your ruling immediately on this. ...*(Interruptions)*...

THE LEADER OF THE HOUSE (SHRI M.S. GURUPADASWAMY) : Madam Deputy Chairman, I wish to say a few words. ...*(Interruptions)*...

SHRI DIPEN GHOSH : Madam, I move a motion ...*(Interruptions)*...

THE DEPUTY CHAIRMAN : I am not stopping anybody from speaking. This is the first time that such a thing has happened and I do not have any precedent. So I have to ask ...*(Interruptions)*... Just a minute... the Secretariat what the procedure is. That is what I was asking because somebody said that he should be arrested and sombody said that he should be brought before the bar. I do not know what the bar is. So I have to find out ...*(Interruptions)*... That is what I have tried to find out because it has never happened before ...*(Interruptions)*...

AN HON. MEMBER : Madam, this House is the bar...*(Interruptions)*...

SHRI P. SHIV SHANKER : Madam, I have got the permission of the Chairman. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN : He spoke to the Chairman; that is why I am allowing him. Mr. Shiv Shankerji, you are the Leader of the Opposition, I will allow you ...*(Interruptions)*...

SHRI SITARAM KESRI (Bihar) : Madam, this side of the House should also be heard. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN : I will definitely allow you. It is the question of the House, ...*(Interruptions)*... the dignity of the House, not individual Members or parties or anybody else. ...*(Interruptions)*...

SHRI V. GOPALSAMY : Madam, I wish to submit. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN : First you make your point and then I will allow you.

SHRI V. GOPALSAMY : I have made the point, Madam. Please allow me to speak. ...*(Interruptions)*...

SHRI P. SHIV SHANKER : It is not as if I have to answer. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN : Mr. Gopalsamy, just a minute ...*(Interruptions)*...Will you yield? ...*(Interruptions)*...

SHRI DIPEN GHOSH : Please allow him to speak. He will make a point. ...*(Interruptions)*...

SHRI P. SHIV SHANKER : You want to deny me ...*(Interruptions)*... You want to deny me ...*(Interruptions)*... You want to deny me the right to speak ...*(Interruptions)*... All of you deny me the right to speak. ...*(Interruptions)*...

SHRI DIPEN GHOSH : Bring K.K. Tewari to this House. The House is entitled, the House is authorised and the House is empowered to punish those who had violated the honour and privilege of the House. So I move a motion ...*(Interruptions)*... The House should punish him. ...*(Interruptions)*...

SHRI P. SHIV SHANKER : Madam, what is this? Very disorderly behaviour! ...*(Interruptions)*... Very disorderly behaviour! ...*(Interruptions)*...

SHRI V. GOPALSAMY : Madam Deputy Chairman, I would draw the attention of the House, through you, ...*(Interruptions)*...

THE DEPUTY CHAIRMAN : I am not denying. I would be the last person to deny the Leader of the House and the Leader of the Opposition to say their

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words. Yesterday, we allowed the Leader of the Opposition to make his point on the arrest of a Member of Parliament. As he has given a privilege motion and he talked to the Chairman, that is why I am allowing him to speak and I will allow also Shiv Shankerji to speak.

SHRI V. GOPALSAMY : Madam Deputy Chairman, with all anguish and pain, I would like to draw the attention of the House through you to the unpardonable and intolerable slander launched by one Mr. K.K. Tewari, a former Union Minister of State, against the Chairman of the Rajya Sabha, thereby lowering the dignity and prestige of the Chairman as well as the House as a whole, the institution of Parliament as a whole. This is unprecedent.

Madam, because it is unprecedented, you yourself wanted to know what the procedure is, whether he could be arrested and whether he could be summoned here...*(Interruptions)*... and you also said that it is unprecedented and never has it happened in the history of Parliament of this country and this has happened for the first time.

Madam, this uncivilised Mr. K.K. Tewari, previously also, when he made some slandrous remarks against the former President of India, was driven out of the Lok Sabha. This time he has done it against the Chairman of this House calling him as "unfit to preside over the Rajya Sabha". Therefore, this Mr. K.K. Tewari, who is not fit to move in a civilized society—I do not want to use the word "barbarian"—and who uses his dirty tongue, should be summoned.

Madam, I would like to move a motion to summon him and to arrest him and he should be punished properly. ...*(Interruptions)*...

[Shri V. Gopalsamy]

Therefore, I would like to know ...*(Interruptions)*...I would like to know from the party to which Mr. K.K. Tewari belongs whether he is still a member of the Congress(I) know whether Mr. K.K. Tewari is still a member of the Congress(I) Party or not and, if he is still a member of the Congress(I), may I know from the Congress(I) Party whether he would be expelled from that Party or not?...*(Interruptions)*...Otherwise it would be presumed that this has been done with the connivance of the leader of the Congress(I) Party...*(Interruptions)*...Therefore, Madam, I move my motion... *(Interruptions)*... Therefore, Madam, I move my motion that Mr. K.K. Tewari should be summoned to this House and should be properly punished...*(Interruptions)*...

SHRI VIREN J. SHAH (Maharashtra): I support this...*(Interruptions)*...

SHRI DIPEN GHOSH : Madam, I want to say something...*(Interruptions)*...

THE DEPUTY CHAIRMAN : After Mr. Shiv Shanker, I would allow you, Mr. Dipen Ghosh...*(Interruptions)*...I will allow Mr. Dipen Ghosh after Mr. Shiv Shanker has spoken. He is the Leader of the Opposition and I have to allow him...*(Interruptions)*...

SHRI P. SHIV SHANKER : Madam, I should be allowed to say what I have to say on this...*(Interruptions)*...

THE DEPUTY CHAIRMAN : Just a minute. I have got so many notices... Let me allow the leader of the Opposition because he also gave a letter to the Chairman. Let me allow him to speak and let us hear him. I would request the honourable Members to let him speak...*(Interruptions)*..

राम अवधेश जी, आपको भी बोलने देंगे, आप जरा शांति से सुनिए। यह सीरियस मामला है। इसके ऊपर प्रिविलेज मोशन आए हैं। यह हमारे हाऊस की गरिमा का सवाल है। इसमें हम लोग इमोशनल जरूर हैं लेकिन जो कानून और कायदे के मुताबिक होना चाहिए, हम लोग उससे बाहर नहीं जा सकते हैं।

SHRI P. SHIV SHANKER : Madam Deputy Chairman, before I say anything on the privilege question that has been

raised, I would like to read out the letter that I have addressed to the Chairman which I have passed on early this morning and I would like to put on record what I have said:

"Respected Chairman:

It is with deep regret that we have noted the statement issued by Shri K.K. Tewari..."

(Interruptions)

SHRI KAMAL MORARKA : Madam, this is wrong...*(Interruptions)*...

SHRI YASHWANT SINHA : No, no. He cannot read that...*(Interruptions)*...

SHRI KAMAL MORARKA : What is this Madam? He cannot read that here...*(Interruptions)*...

SHRI YASHWANT SINHA : No, Madam. He cannot divulge what he has written...*(Interruptions)*...He cannot divulge what he has written to the Chairman...*(Interruptions)*...

SHRI P. SHIV SHANKER: Mr. Sinha, the whole House is agitated, not you alone...*(Interruptions)*...Madam, I must be allowed to say what I want to say...*(Interruptions)*...If I use any unparliamentary word, then you have a right to object to it. But I should be allowed to speak...*(Interruptions)*...You people should allow me to speak...*(Interruptions)*...You don't even want me to speak? This is rather surprising...*(Interruptions)*... It is rather very surprising...*(Interruptions)*...It is rather surprising that you do not even want me to speak!...*(Interruptions)*...What is it that you want?...*(Interruptions)*...Madam, what is it that they want?...*(Interruptions)*...

SHRI KAMAL MORARKA : Madam, he wanted to read out what he has written to the Chairman...*(Interruptions)*...He cannot do that...*(Interruptions)*...

SHRI YASHWANT SINHA : He cannot do that...*(Interruptions)*...

SHRI P. SHIV SHANKER : What is it that you are saying?...*(Interruptions)*...Which is the rule?...What is the rule that I have violated?...*(Interruptions)*...I have been permitted by the Chair.

SHRI KAMAL MORARKA : I am on a point of order.

SHRI P. SHIV SHANKER : Am I speaking something unparliamentary? What is it that my friends are agitated about?

(Interruptions)

THE DEPUTY CHAIRMAN : Just a second, Kesriji. Please sit down.

श्री अटल बिहारी वाजपेयी (मध्य प्रदेश): महोदया, विरोधी दल के नेता जो पढ़ना चाहते हैं, कहना चाहते हैं उन्हें कहने का पूरा मौका दिया जाना चाहिये। हम उसका खंडन करेंगे। चेयरमैन साहब को आपने पत्र लिखा है, आप पढ़िये।

THE DEPUTY CHAIRMAN : I don't know if it is in order to read the letter which Mr. Shiv Shanker has written to the Chairman. But you can definitely express whatever your sentiments may be. You may not say that you have written to the Chairman. You can express your sentiments like every other Member in the House.

SHRI KAMAL MORARKA Madam, I am on a point of order.

(Interruptions)

THE DEPUTY CHAIRMAN : I have allowed him a point of order. Please listen.

SHRI KAMAL MORARKA : My point of order is very simple. *(Interruptions)* It is very direct. It is a settled procedure of this House...

(Interruptions)

THE DEPUTY CHAIRMAN : Please don't get excited. Our sentiments are for the Chairman. Nobody is divided on the issue that the sanctity of the Chair

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should be maintained. Amongst the Members belonging to the Congress Party, BJP, Janta Dal, CPI, CPI(M) and the rest of the parties in our House and in the country, nobody is divided on this issue. So, please don't get excited. I humbly request.

SHRI KAMAL MORARKA : Madam, my point of order is very simple. The proceeding of the House are sacrosanct. They are not justiciable in any court of law. The press can't cast reflections on it. No citizen other than a Member of this House can comment on it. That is the settled law. Now, Mr. Shiv Shanker, instead of replying to the points raised by Mr. Gopalsamy about one Mr. K.K. Tewari who is not a Member of this House, having cast aspersions on the Chairman of the House and the House itself, wants to read...

THE DEPUTY CHAIRMAN : Please let him finish. Let me deal with it. I have dealt with points of order. I have also dealt with points of disorder. On this matter, let us create an impression that somebody is opposed to it or is for it. Let us make it a consensus of the House.

SHRI KAMAL MORARKA : Madam, I am so glad that they are more concerned about the prestige of this House than us. *(Interruptions)* I am very glad. *(Interruptions)*

THE DEPUTY CHAIRMAN : I want to tell the honourable Member sitting in the back row and speaking that it is not yet your privilege to deal with the point of order. It is still in my hands still I am in the Chair.

SHRI KAMAL MORARKA : I want your ruling on that point of order. You have permitted Mr. Gopalsamy to raise a point. If Mr. Shiv Shanker as Leader of the Opposition is going to respond, he should respond only to the charge or the question of the propriety of an outsider casting aspersions on the Chair. He should not discuss his grievances before the Chairman about what Mr. K.K. Tewari wanted to say and all that. I am on that point.

श्री अटल बिहारी वाजपेयी: मैं एक मुद्दे पर आपका निर्णय चाहता हूं। सदन के सामने श्री गोपालसामी ने विशेषाधिकार के उल्लंघन का जो मामला उठाया है वह विचाराधीन है। उनका एक प्रस्ताव भी है।

उप-सभापति: श्री दीपेन घोष ने भी एक प्रस्ताव की सूचना दी है। आपने विरोधी दल के नेता को बोलने के लिए बुलाया है। स्पष्ट है विरोधी दल के नेता उसी विषय पर बोलेंगे जो सदन के विचाराधीन है। मुझे लगता है जिस बात पर आपका निर्णय होना चाहिए वह बात यह है कि चेयरमैन को उन्होंने जो पत्र लिखा है क्या उस पत्र को पूरा पढ़ना है या उस पत्र का भाव अपने शब्दों में वह सदन के सामने प्रकट करें तो ज्यादा अच्छा होगा। मैं समझता हूं अगर विरोधी दल के नेता तुले हुए हैं जो पत्र पढ़ना है तो उन्हें रोका जाना नहीं चाहिए। लेकिन मैं इस पर आपका निर्णय चाहता हूं कि क्या चेयरमैन के पत्र को पूरा पढ़ना जरूरी है या चेयरमैन के पत्र में उन्होंने जो भावनाएं प्रकट की हैं उससे वह सदन को अवगत करायें और यह चर्चा आगे चले।

SHRI P. SHIV SHANKER : Before you give a reply, Madam, my submission is this. An issue of privilege has been raised. As a part of the issue of privilege which has been raised I must be allowed to say what my views are and what my party feels about it — I have put it down in the shape of a letter to the Chairman himself. I must be allowed to read out the whole letter...

SHRI V. GOPALSAMY : No, no; that is irrelevent. We are discussing my privilege motion...

SHRI P. SHIV SHANKER : Just please listen to me. How can you stop me like this? I would like to put forth how I addressed...

SHRI DIPEN GHOSH: The question is this. There is a motion that Mr. K.K. Tewari who has castigated publicly the Chairman, the Presiding Officer, of this House in a written statement, be summoned to the bar of this House so

that the House can reprimand him. There are precedents. Once in the other House the editor of a journal was summoned to the Bar of the House because he by his writings violated the privilege of a very senior leader, Mr. Kripalani, of that House, and that gentleman had appeared before the bar of the House and he had accepted the reprimand of the House. So there is a precedent for it. So the question is that Mr. K.K. Tewari has to be summoned and Mr. Tewari has to accept our reprimand. Because Mr. K.K. Tewari, as I could suppose, belongs to the party of which Mr. Shiv Shanker is the Leader here in the House, I do not know whether the Leader of the Opposition will own the responsibility of what Mr. Tewari has stated in a public statement.*(Interruptions)* I do not know whether he is going to refute or he is going to regret. I do not know. But the question is that whatever letter he has written, that does not as such take away the right of this House to summon Mr. K.K. Tewary to the bar of the House and reprimand him.

SHRI SITARAM KESRI: There is no question of taking away the right of the House. But... *(Interruptions)*

SHRI KAMAL MORARKA: My submission is, before we take up the letter...*(Interruptions)*

SHRI P. SHIV SHANKER: Madam, I must be allowed.*(Interruptions)*

THE DEPUTY CHAIRMAN: If I can allow hon. Shri Atal Behari Vajpayee and Shri Dipen Ghosh, I am not one-sided. In fact, I allowed Shiv Shankerji much before. I have allowed him.

SHRI P. SHIV SHANKER: Madam, when I was speaking, he rose on a point of order. I am not even allowed to speak.*(Interruptions)*

THE MINISTER OF STEEL AND MINES WITH ADDITIONAL CHARGE OF THE MINISTRY OF LAW AND JUSTICE (SHRI DINESH GOSWAMI): Madam, whenever you call me, I want to make a submission.

SHRI P. SHIV SHANKER: Madam, I must be allowed to speak.

SHRI DINESH GOSWAMI: Whenever you call me, Madam, I want to make a submission.

THE DEPUTY CHAIRMAN: Let him finish. I will call you. Let me first deal with what...

SHRI DINESH GOSWAMI: Whenever you call me, it is up to you.

SHRI P. SHIV SHANKER: Madam, may I just...

THE DEPUTY CHAIRMAN: Shiv Shankerji, just a minute...*(Interruptions)*

SHRI HANSRAJ BHARDWAJ (Madhya Pradesh): Mr. Shiv Shanker is on his legs...*(Interruptions)*

SHRI DINESH GOSWAMI: I have sought the Chair's permission.*(Interruptions)* I have asked the Chair's permission, not your permission, Mr. Bhardwaj. You cannot dictate to me.*(Interruptions)*

THE DEPUTY CHAIRMAN: Just a minute. Hon. Members, I requested right from the beginning. It is a serious matter. Yesterday we did not do all this. Why should we do it today? *(Interruptions)* I am very sorry that the Members cannot have any patience.

DR. BAPU KALDATE (Maharashtra): Why don't you accept it straightway? *(Interruptions)*

THE DEPUTY CHAIRMAN: I said, please be patient.

SHRI KAMAL MORARKA: What Mr. Tewari said is a breach of privilege... *(Interruptions)*... The letter...*(Interruptions)*

SHRI P. SHIV SHANKER: What is this, Mr. Morarka? *(Interruptions)*

THE DEPUTY CHAIRMAN: Mr. Shiv Shanker, he has raised a point of order.

SHRI P. SHIV SHANKER: I was answering. He raised a point of order.

THE DEPUTY CHAIRMAN: You cannot answer. You are not in the Chair. I have to answer.

SHRI P. SHIV SHANKER: Before you were giving your ruling, Madam, I was making by submission.

(Interruptions)

THE DEPUTY CHAIRMAN: I feel, the dispute...*(Interruptions)* Just a minute. The dispute just now before the House is...*(Interruptions)*...Mr. Gopalsamy, please.*(Interruptions)*

SHRI M.S. GURUPADASWAMY: Madam may I make a submission?

SOME HON. MEMBERS: No, no.

SHRI M.S. GURUPADASWAMY: What no? You have not heard me.*(Interruptions)*

THE DEPUTY CHAIRMAN: If you are not going to hear me, I am going to adjourn the House. I warn you, Members. If you do not like to listen to me, I am going to adjourn the House.*(Interruptions)* There was a point of order. I have to deal with it. Let me deal with it. if you don't allow, I warn you, I will adjourn the House and I would not come back. *(Interruptions)*

AN HON. MEMBER: Adjourn the House.

THE DEPUTY CHAIRMAN: Who says 'adjourn the House'? I will adjourn if you silence me.

SHRI P. SHIV SHANKER: Madam, my submission is this...

THE DEPUTY CHAIRMAN: Shiv Shankerji, please. Mr. Morarka, you raised a matter about the letter. Whether he reads the letter or expresses his own sentiment, let the Leader of the Opposition who is a Member of the Congress Party...*(Interruptions)* Please... He has written a letter to the Chairman. He has refered to the statement which has appeared in the newspapers. Let Mr. Shiv Shanker express his agony or whatever he wants to do. Let him have his say. The Hosue is united. Why should we debate whether a letter should be read or not? The question before us is not the letter. *(Interruptions)* The question before the House is the statement which is condemnable and let us deal with it in a cool-headed manner and not in an excited way. I request everybody. I allowed Mr. Gopalsamy. I do not know. I have asked the Secretariat. I do not know whether ever before a letter written to the Chairman had been read in the House or not.

SHRI M.S. GURUPADASWAMY: Madam, on a point or order. On this issue, I would like to clarify.*(Interruptions)*

श्री सुरेन्द्रजीत सिंह अहलुवालिया (बिहार): प्वांइट आफ आर्डर के बहाने ये लगातार कंडम कर रहे हैं।

They always do like this. How are you allowing, Madam? Under what rule? *(Interruptions)*

SHRI M.S. GURUPADASWAMY: My point of order is..*(Interruptions)*

THE DEPUTY CHAIRMAN: Let me first deal with it. *(Interruptions)*

SHRI M.S. GURUPADASWAMY: I am raising a point of order. What he is talking about? *(Interruptions)*

SHRI S.S. AHLUWALIA: There is no point of order. *(Interruptions)*

SHRI M.S. GURUPADASWAMY: You should understand things. *(Interruptions)*

SHRI S.S. AHLUWALIA: Under what rule? *(Interruptions)*

SHRI M.S. GURUPADASWAMY: I do not think he understands things. I do not think he understands finer points. *(Interruptions)*

SHRI S.S. AHLUWALIA: This is high-handedness. *(Interruptions)* You allowed Mr. Morarka. You allowed Mr. Dipen Ghosh. You allowed everybody on points of order. *(Interruptions)* They are making political speeches.

SHRI M.S. GURUPADASWAMY: The Leader of the Opposition should

control his Members. *(Interruptions)* Please hear my point of order. Then, you can react.

SHRI S.S. AHLUWALIA: No. *(Interruptions)* Your people are making only political speeches. *(Interruptions)*

SHRI M.S. GURUPADASWAMY: After hearing my point of order, you can react to it. *(Interruptions)*

THE DEPUTY CHAIRMAN: All right. He is not raising a point of order. He is speaking as the Leader of the House. *(Interruptions)*

SHRI S.S. AHLUWALIA: No, Madam. Our Leader is standing here. A Minister cannot raise a point of order. *(Interruptions)*

THE DEPUTY CHAIRMAN: I have allowed Mr. Shiv Shanker. I do not know why Members are getting up unnecessarily. I have allowed him. I was, first dealing with the point or order raised by Mr. Kamal Morarka. So many people raised their hands; right, left and front. I allowed two-three people. Now, let Mr. Shiv Shanker be heard. I know he knows the rules and etiquettes of the House. I am sure, he will abide by it.

SHRI P. SHIV SHANKER: Madam, all of us are concerned over what has appeared in the newspapers. Let us not mince matters. It is not as if some are concerned and the others are not. That is why, to make the position clear, since the gentleman happens to be a Member of my party, I thought...*(Interruptions)*

THE DEPUTY CHAIRMAN: Please. Let Mr. Shiv Shanker be heard. Whether anybody is a gentleman or not, let us be gentlemen and gentlewomen. *(Interruptions)*

SHRI P. SHIV SHANKER: Madam, as Leader of the Opposition, representing my party, I wrote a letter to the Chairman. We were very much disturbed when we read the statement this morning in the newspapers. That is why I would just like to share the sentiments that I have expressed to the Chairman and then I am going to make my submission fully. The hon. friends on the other side should not feel that it is only a party matter or anything of that type. This is what I wrote to Mr. Chairman: "Respected Mr. Chairman...

THE DEPUTY CHAIRMAN: Mr. Shiv Shanker, I will bring to your notice the etiquette. Has permission been given by the Chairman because I do not know?

SHRI P. SHIV SHANKER: Yes, this morning I had spoken.

THE DEPUTY CHAIRMAN: Then he said that you could read it.

SHRI P. SHIV SHANKER: He said that I could read it at 12.00 O' clock.

SHRI V. GOPALSAMY: No, he did not permit you. I was there.

SHRI P. SHIV SHANKER: He said, at 12 O' clock...

SHRI M.S. GURUPADASWAMY: On this point I am making a submission. *(Interruptions)*

THE DEPUTY CHAIRMAN: Just a minute. Mr. Gopalsamy, please have patience. I am referring to the Handbook of Members Rajya Sabha. This is the etiquette. On page 67, No. 10, it says:

> "No Member should raise in the House the subject-matter of a notice or communication sent by him to the Chairman unless he has been specifically permitted by the Chairman to do so. If no intimation has been received by the Member, he should presume that the matter is either under the consideration of the Chairman or it has been disallowed by him."

That is why I very respectfully request the Leader of the Opposition to please express his sentiments because it is no use mentioning it. If you had written a letter to me, as one Member said, I am in the Chair and I am authorised to permit you to read it or do whatever you like, but the letter is addressed to the Chairman, not to me. So, I am not in a

[The Deputy Chairman]

position to allow you to read the letter. I can allow you to express... (*Interruptions*). That was a privilege. Privilege means, for the information of Mr. Fotedar, the notices of the Privilege Motions which are being given to the Chairman. They are raised in this House and every time the person in the Chair has said that the Chairman will decide whether he will give time or whether he will allow it. So, to that effect it was allowed. If the Chairman has given the permission. I do not know, but whatever it is... let us not go into the technicalities. The idea is that whatever sentiments should be expressed.

SHRI M.S. GURUPADASWAMY: Never in the past there was a precedent where a letter written by any Member... (*Interruptions*). I am drawing the attention of the House. Never in the past a letter to the Chairman written by a Member of this House was read in this House. It was not permitted at all. This is the precedent. Do not set up a wrong precedent. That is all my submission.

SHRI MADAN BHATIA (Nominated): I want to make only one point. We are all concerned with the dignity...

SHRI DINESH GOSWAMI: You did not permit me to speak. Why are you permitting him to speak?

THE DEPUTY CHAIRMAN: If I allow him, I will allow you also, I promise. (*Interruptions*). भाटिया जी, आप इस मामले में बैठ जाइये। मैंने कहा कि यह सवाल टेक्नीकेलिटीज का नहीं है। चिट्ठी लिखी या नहीं लिखी, अखबार में शिव शंकर जी बयान दें या न दें, सवाल हाउस की गरिमा का है, इस में कोई दो राय नही है। मैं शिव शंकर जी से यह रिक्वेस्ट करती हूं कि आप मेंशन न करें कि चिट्ठी पढ़ रहे हैं। आप यह कहिये आपके सेंटीमेंट्स है, पार्टी के है। हम टेक्नीकेलिटीज में फंस जाते हैं और असल मुद्दा भूल जाते हैं।

That is the tragedy.

SHRI MADAN BHATIA: I was only reacting to what has been said by the Leader of the House. For that I sought your permission to make a submission.

THE DEPUTY CHAIRMAN: Now that matter is over, please.

SHRI P. SHIV SHANKER: I would not like to go into the issue whether a letter of this type would amount to a communication which should be considered by the Chairman.

Madam, you have been pleased to make two observations. One is that we need not go into technicalities. None-the-less, we seem to be becoming unduly technical in a matter like this even. This, I consider, is not a good augury. But none-the-less without going into the letter, I would like to submit that we totally dissociate with the statement which has been issued by Mr. Tewari and I have already offered the apologies to the Chairman on behalf of my party... *(Interruptions)*

In this House, it often happens that during the cut and thrust of the debate, many a thing is said and done which, on reflection at a later stage, many of us regret. That should not have been made an issue by a person of my party. And he should in no form have cast aspersion on the Chair. After all the Vice-President of India enjoys certain authority. Apart from being the Vice-President, he happens to be the Chairman of this House. This House has its own importance and dignity, notwithstanding how we behave here. It has its Pristine glory and it is the duty of all of us to see that this glory is maintained. If there is an attack on the Chair, that is condemnable on all hands. Nobody can support it and it is not merely the case of agitated minds of the friends on the other side. It is equally a case of agitated minds of those who are sitting on this side. All of us are agitated. Why should we make it a party issue? What has pained me is that it is sought to be made a party issue. This is what has pained me very badly. And then...

DR. YELAMANCHILI SIVAJI: Are you going to expel him from the Congress Party? *(Interruptions)*

SHRI P. SHIV SHANKER: What we are going to do is a matter which we will consider... *(Interruptions)* Notwithstanding that sometimes we all do create little unruly scenes here, in spite of that our respect for the Chair should in no form diminish and this gentleman, by no stretch of imagination, can be supported in any form for the statement that he has issued to the Press. He has brought this House into indignity and the Chair also into indignity.

On the question of the Privilege Motion, I would like to make one submission. Whatever are the rules and procedures, these have to be followed. These have to be necessarily followed. I do not want that tomorrow it should be said that this House has not even given the opportunity to the culprit. Even the murderer, when we know that he has murdered, is given an opportunity. Let us not go into it and let not posterity tell us that we have followed a procedure in anger. I share that point—I share, in fact, the mood of the Members of the House—but in spite of that we can't be vindictive. We have to follow the procedure that is laid down in the law. Let us do that, and all of us should abide by that. Let us proceed from that angle. The Chairman has observed that it is under his consideration. We would request him that he should not keep it under consideration for a long time: the matter should be disposed of immediately and necessary action should be taken. That is all that I would like to submit.

SHRI SANGH PRIYA GAUTAM (Uttar Pradesh): Madam, on a point of information.

THE DEPUTY CHAIRMAN: I have called Mr. Dinesh Goswami.

SHRI SANGH PRIYA GAUTAM: Kindly give me a minute.

THE DEPUTY CHAIRMAN: I will give you, but we can't go on for a long time.

SHRI DINESH GOSWAMI: Madam, when I stood up, it was not in order to obstruct Mr. Shiv Shanker. Because you called me to speak, therefore I stood up.

I am happy that Mr. Shiv Shanker has expressed his view. My own feeling is that a matter of this nature cannot be a party matter when the prestige of the Chairman of the House is affected... *(Interruptions)*... We cannot make it a party issue. I am happy that the Leader of the Opposition, in spite of the fact that the comments have been made by a member of his own party, has disowned that statement and has even gone to the extent of saying that the statement has put the House to indignity and the Chair to indignity.

Now we are all unanimous on this that this is an outrageous statement, and it is not a statement by a very ordinary man. After all, when we deal with such statements, we cannot ignore as to who has made this statement. This statement has been made by a person who was holding the high position of a Minister in the last Government. It is not from an ordinary man who, out emotion, has made a statement. It is not by a man who does not know the Parliamentary rules of procedure. It is not by a man who makes a statement without understanding the implications. If we all agree—and we all agree—that this statement has led the House to indignity and the Chair to indignity, what type of statement is it? Let me quote only three sentences:

> "Dr. Sharma's concern for the dignity of the House in retrospect seems to be less than genuine if one recalls his meek and solicitous responses to the present rulers... the likes of Dr. Sharma who are holding constitutional positions should not allow their offices to be manipulated for political propaganda..."

I have been in this House and the

[Sh. Dinesh Goswami]

other House for about 17 years now and I have also had the privilege of going through various rules, but I do not recall that at any time in the history of Indian Parliament a former Member who was holding a high position made such a derogatory statement against the Chairman of one House or the other. Now, I am entirely in agreement with Mr. Shiv Shanker that however outrageous the statement may be, we cannot deviate from the rules of procedure. We must follow the rules of procedure. Now, how have we followed the rules of procedure?

Under the rules of procedure, if you give consent to the moving of a motion, then the house, even without a discussion, can come to certain conclusions regarding privileges. Let us take one instance. We have got umpteen number of instances when leaflets have been thrown from the gallery and we have immediately punished the culprits by a one-sentence motion, without discussion. Have we given and opportunity to that person who threw leaflets from the gallery that he should come and show cause as to why he should not be punished? If it is felt that on the face of it, it is totally outrageous, which nobody can support—which nobody is supporting in this House—then my submission will be that you should give consent and should call Mr. Tewari to the Bar of the House, at least to apologize. We are not vindicative, but to maintain the dignity of this House, he should be called to the Bar of the House to apologize and, on the face of it, no discussion is necessary. We will not be violating any rules of procedure. We will not be showing our vindictiveness. We will take that course of action.

1.00 P.M.

SHRI DIPEN GHOSH: Madam Deputy Chairman, I move the motion. *(Interruptions)*

THE DEPUTY CHAIRMAN: Just a minute. Please sit down. I have identified him. Mr. Ram Awadhesh Singh, please sit down. I will allow you. Mr. Mathur, please sit down. I have identified Mr. Dipen Ghosh. He wants to say something. Let him speak.

THE MINISTER OF FINANCE (PROF. MADHU DANDAVATE): Don't leave it to the Chairman because he is involved.

THE MINISTER OF INFORMATION AND BROADCASTING AND PARLIAMENTARY AFFAIRS (SHRI P. UPENDRA): Don't embarrass him.

PROF. MADHU DANDAVATE: It will be an embarrassment for him.

SHRI DIPEN GHOSH: Madam Deputy Chairman, I am glad that the Leader of the Opposition and leader of the Congress (I) Party has condemned the statement and has dissociated his party and its Members here from the statement which has been made by Mr. K.K. Tewari, though he is a member of that party. I agree that it is the responsibility of that party to take action against him. In what manner and in what way, that party would decide, I agree.

But this is a question of breach of privilege of the House. I have moved a motion to summon him for admonishment or reprimand as the House thinks fit because he has violated the privilege of the House, he has denigrated the honour of the Chair.

The Leader of the Opposition has stated that a reasonable opportunity has to be given to him to defend himself. An opportunity for self-defence, even a murderer is given. Madam, I have quoted one instance. I want to quote from Kaul and Shakdher, Third Edition, page 214, about the form of punishment for a breach of privilege or contempt. I quote.

"In cases where the offence of breach of privilege or contempt is not so serious as to warrant the imprisonment of the offender by way of punishment, the person concerned may be summoned to the bar of the House and admonished or reprimanded by the Speaker by order of the House. Admonition is the mildest form of punishment, whereas reprimand is the more serious mark of displeasure of the House."

THE DEPUTY CHAIRMAN: Which page is it?

SHRI DIPEN GHOSH: It is 214.

"In Lok Sabha there have been two cases of persons having been summoned to the bar of the House and reprimanded by the Speaker—one for breach of privilege and contempt of the House, for a libellous despatch appearing in a weekly magazine,..."

which I referred to

"and the other for contempt of the House in deliberately misrepresenting facts and giving false evidence before a parliamentary committee."

SHRI P. SHIV SHANKER: It is very correct.

SHRI DIPEN GHOSH:

"In another case, two police officers of the State of Maharashtra were summoned to the bar of the House to answer the charge of breach of privilege and contempt of the House for allegedly assaulting and abusing a member."

SHRI P. SHIV SHANKER: A point of order.

THE DEPUTY CHAIRMAN: Let him finish.

SHRI DIPEN GHOSH:

"The two officers expressed apologies to the member concerned and to the House for whatever happened on that day. In view of the apologies tendered by them, the House decided to treat the matter as closed."

There are other procedures. I am not going to quote the entire thing and waste the time. The question is that summoning one to the bar of the House and placing the charge before him and giving admonishment or reprimand is the mildest form of punishment as mentioned by Kaul and Shakdher. If the House decides to send one for imprisonment, then alone that question arises. My point is that I do not mind following the rules and regulations formulated, what has been stated by the experts on parliamentary procedure. But what I mind is that there should not be any attempt to dilute or delay.....

SHRI N.K.P. SALVE: No.

SHRI P. SHIV SHANKER: No.

SHRI DIPEN GHOSH: .....the Rajya Sabha motion to summon him to the bar of the House for reprimanding him. That is my point.

SHRI MADAN BHATIA: Madam, I may be permitted to Speak. *(Interruptions)*

THE DEPUTY CHAIRMAN: Just a minute. After Mr. Shiv Shanker I will allow you. Please sit down. I will allow everbody.

SHRI DIPEN GHOSH: In the case stated here, we can follow the same procedure which the other House followed. *(Interruptions)*

THE DEPUTY CHAIRMAN: I have not yet permitted you. Please take your seat.

श्री संघ प्रिय गौतम: महोदया, मेरा सूचना का प्रश्न है।

उपसभापति: यहां सूचना नहीं चलती, यहां पाइंट ऑफ ऑडर होता है। आप बैठ जाईए। .....**(व्यवधान)**... मैं कर दूंगी समय आने पर कर दूंगी .....**(व्यवधान)**....

श्री संघ प्रिय गौतम: महोदया, यह के०के० तिवारी से संबंधित है ....**(व्यवधान)**.. .यह पहली हरकत नहीं है, लोक सभा में भी हरकत की है.... **(व्यवधान)**....और इन लोगों ने मिनिस्टर बनाया, उसके

[श्री संघ प्रिय गौतम]

बाद....(व्यवधान)....

SHRI P. SHIV SHANKER: Madam, may I just make one submission? I am in entire agreement with what has been read by Mr. Dipen Ghosh. I am not disagreeing with him in any form. But the point is, unless the contempt takes place in the presence of the House, in the eyes of the House itself, we cannot straightway... *(Interruptions)*

SHRI DIPEN GHOSH: Shri R.K. Karanjia did not commit contempt on the floor of the House.

SHRI P. SHIV SHANKER: Just listen to me. *(Interruptions)*

SHRI DIPEN GHOSH: You are trying to dilute it.

PROF. MADHU DANDAVATE: The police officer of Nagpur was called to the Bar of the Parliament. Mr. Karanjia wrote an article in the Blitz and he was called to the Bar of the Lok Sabha.

SHRI P. SHIV SHANKER: I am not denying it. Madam, the question is.... *(Interruptions)*

SHRI HANSRAJ BHARDWAJ: You don't want to hear. *(Interruptions)*

SHRI P. SHIV SHANKER: I am just submitting that my friend was trying to ...*(Interruptions)* Madam, the point is that there is no distinction... *(Interruptions)* Madam, may I make my submission. There is no distinction between any type of punishment whatsoever. It only differs in degree. In some cases one could be reprimanded, in some cases one could be sent to jail and so on and so forth, but the point that I am making is: can you totally avoid the principles of natural justice? *(Interruptions)* Listen to me. *(Interruptions)*

SHRI SHABBIR AHMAD SALARIA (Jammu and Kashmir): There is no question of violating the norms of natural justice by just calling him. And if we find him guilty, he will be punished. Calling a person does not constitute denial of natural justice. *(Interruptions)*

SHRI P. SHIV SHANKER: The submission that I am making is... is...*(Interruptions)* Why don't you listen to me? What is wrong in it? Why don't you listen to me? Just listen to me. I would not like that it should be delayed.*(Interruptions)* But the point is that before you come to the conclusion....

SHRI SHABBIR AHMAD SALARIA: There is a *prima facie* case against that man. He has committed a breach of privilege.

SHRI P. SHIV SHANKER: Won't you like to follow the proper procedure? That would be very unfortunate so far as this House is concerned. I am only concerned with that part of it. If something has happend in our presence, we can straightway take action against him. There is no difficulty about it. *(Interruptions)* But one does not know. We have known cases where even in the presence of the judges of the High Court murder has been committed or one was beaten; even then the law has taken its own course. I am saying that we should not delay it. We cannot condone it. It is a very serious matter. I have already said that. Whatever action we have to take, we have to take. *(Interruptions)* What has been read is the culmination part. Before that some procedure has to be followed. *(Interruptions)* If you think, if the whole House decides that there should be no procedure, let us summon him and punish. Then this is a death-knell to democracy.

I am not supporting this matter in any form but certainly I am concerned with all the norms, and the principles of natural justice. We should not throw away the rules of procedure. I want that the principle of natural justice must be followed and action must be taken. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: I have

allowed Shrimati Renuka Chowdhury.

SHRI M. S. GURUPADASWAMY: Madam, may I say a few words? Why are you preventing me from saying? I want to say a few words. What is this?

THE DEPUTY CHAIRMAN: The Leader of the House will speak at the end. I want you to speak after every Member has spoken. I will allow you.

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): Madam Deputy Chairman, thank you very much and I take the indulgence of the House. I beg of you please permit me to speak *uninterrupted.*

Madam, today about this very disgraceful incident in which all of us are collectively apologetic, responsible, whatever, we have taken a stand on this. It is not so much the violation of a rule as some people are trying to reduce it to and I have repeatedly said it is the violation of the sensibility, and I have been witness as have other Members of this House, when denigration of the Chair, the status of the Chair and erosion of moral values in this House has been repeatedly taking place. May I refresh your memory that a few months ago in this House, a Member of this House holding an equally responsible position, as the said Member today, who was a former Minister had denigrated this Chair when you were in the Chair. No apology was tendered. A few days ago another Member on the other side of the House—I am not trying to divide the House, but let us review it with a clear conscience if we are to decide on this issue...*(Interruptions)*...

SHRI SURESH KALMADI (Maharashtra): You take up the incidents that took place in the last two years. Don't speak about the incidents that have taken place in this month... *(Interruptions)*...

THE DEPUTY CHAIRMAN: If you defend the denigration of the Chair, it is all right. I will ask the Member not to speak. You admit that the Chair has been denigrated in and out. Then, please sit down ...*(Interruptions)*... If the Members do not want to discuss the dignity of the House, all right, I will close the matter. Let the Chairman decide. You do not want to uphold the dignity of the Chair.

SHRI V. GOPALSAMY: We should decide about it now itself.

SHRI JAGDISH PRASAD MATHUR (Uttar Pradesh): We have to decide it here itself.

SHRIMATI RENUKA CHOWDHURY: A few days ago another *Member of the other side of the House* made an accusation that they heard in the corridors that the Chair had been manipulated. This shakes the foundations of this House, Chairman, Deputy Chairman, the people who are on the panel of Vice-Chairman. They are symbolic of the trust and the dignity of this House. By no act or word can anyone have the authority or the right to violate that trust and by being silent or by allowing the gentleman to be let off with a reprimand, I will be an accessory to the crime. And speaking for myself and every upright person in this House, I will not be an accessory to this crime, when aspersions have been cast on the Chair not once but many times. Perhaps we as a House have failed in the earlier instances where we did not put our foot down and take action against Members who had violated the norms and dignity of this House, not to mention their own self-respect. Just because we have failed in that duty, today the matters have culminated to this extent that the Vice-President of this country and the Chairman of this House has been insulted beyond words, beyond measure and the nation is witness to this. We are going to be reduced to so much laughing stock and worse, this sets a precedent for moral value which is going to snowball in the country. The youth whom we have empowered with a vote are going to turn around and raise a finger at us and we cannot sit in judgement that day. It is not what is going to happen to one Member

[Smt. Renuka Chowdhury]

of the other House who has repeated it who has an addition to this kind of thing, who has a problem. He has a medical problem. He has a foot-in-mouth disease. Everytime he opens his mouth he puts his foot in. This is not just about the Chair, he spoken about the former President of the country also. And this just cannot be tolerated. It is a violation of the sensibilities of every Indian. And hence I plead with Shiv Shankerji. I have the highest regard for him, I hold him in high esteem. I speak to him even outside the House and I am sure he will see things in fairness. He should see the larger aspect of it, the broader spectrum of this House. Let that gentleman be brought before the House for reprimand. There is no compromise on that. If you let him off, then the story is going to be repeated. It is an insult to the chair and to the House. You, Madam Deputy Chairman, were kind enough, you were magnanimous enough that you had permitted very senior Members who had been ex-Ministers, to be rude...

PROF. MADHU DANDAVATE: She has forgiven them.

SHRIMATI RENUKA CHOWDHURY: But I cannot forgive them, I cannot forget what they did, I cannot forget it as a Member sitting here and witnessing the whole thing....

SHRI V. NARAYANASAMY (Pondicherry): Tell about yourself also. What did you do in those days when you were here? *(Interruptions)*

श्री हंसराज भारद्वाज: इनके भाषणों से देश चलेगा? आप अपना हुक्म करिए। ...**(व्यवधान)**...

श्री सुरेन्द्रजीत सिंह अहलुवालिया: इनकी पार्टी के सदस्य सत्यनारायण रेड्डी, जिन्होंने कागज उठाकर फाड़ दिए थे, आज मुल्क के सबसे बड़े राज्य के गवर्नर हैं। ...**(व्यवधान)**... शर्म आनी चाहिए।

SHRIMATI RENUKA CHOWDHURY: Now look at the way they are behaving....

THE DEPUTY CHAIRMAN: I would agitated, do not pass...*(Interruptions)* I would request the Members to keep their cool; do not pass allegations and counter-allegations....

SHRI SURESH KALMADI: She is making allegations.

THE DEPUTY CHAIRMAN: No, she is not making allegations. She is expressing her agony.

SHRI SURESH KALMADI: Were they angels when they were sitting here?

THE DEPUTY CHAIRMAN: Nobody is an angel.

SHRI M.S. GURUPADASWAMY: May I say something?

SHRIMATI RENUKA CHOWDHURY: There is no compromise. Mr. Tewari has got to be brought before the House and he has got to be reprimanded. Severe action has got to be taken against him as a preventive measure.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): I have been asking for your permission to speak.

THE DEPUTY CHAIRMAN: I think I will ask the Leader of the House to finally speak. The problem is that we started with a very sensitive issue. बहुत ही अफसोसनाक वाक्ये के ऊपर आज हम यहां बैठे हैं और उसके ऊपर सब मैम्बर्स ने अपनी राय दी। मुझे अफसोस है इस बात का, एक मिनट साल्वे साहब, मुझे इस बात का अफसोस है कि हम एक दूसरे पर काऊंटर एलीगेशन लगा रहे हैं। हालांकि यह पूरा हाऊस विटनेस है कि क्या होता है हाऊस में अगर इधर से कोई खड़ा हो और उधर का बोले और उधर का खड़ा हो तो इधर से, अभी रिसेंट मेमरीज़ को मत भूलो, पुरानी बातें बाद में करेंगे। जो कुछ आज हमारे सामने है, जो हमारे सामने वाक्या है, उसकी अहमियत कम नहीं होती बढ़ जाती है उन बातों को, हिस्टरी को देखने से। यह चेयरमैन साहब का मामला है।

...**(व्यवधान)**....

SHRI SUBRAMANIAN SWAMY: Why don't you allow me?

THE DEPUTY CHAIRMAN: I am

SHRI SUBRAMANIAN SWAMY: Why not? You cannot be arbitrary. I have been asking you. You cannot be just arbitrary. You must have some norms. This cannot be done arbitrarily.

SHRI N.K.P. SALVE: My party's point of view has not been fully put forth...

SHRI SUBRAMANIAN SWAMY: You are allowing everybody else.

THE DEPUTY CHAIRMAN: I will request the Chairman to give time and allow a full-fledged discussion for days together. I have no objection. But somewhere I have got to put my foot down. We cannot go on and on.

SHRI SUBRAMANIAN SWAMY: Yes, you had told me earlier and now you have changed your mind.

THE DEPUTY CHAIRMAN: If you speak to me like this, I swear, I will not allow you. If you speak to me politely, I will allow you. I swear I will not allow if you speak to me in this tone. If you politely ask, I will allow you.

SHRI SUBRAMANIAN SWAMY: Please, may I have a point of order? *...(Interruptions)...* please, may I have a point of order?

THE DEPUTY CHAIRMAN: You should also understand in what tone you should speak in this House.

SHRI SUBRAMANIAN SWAMY. I do not understand the tone in which I should speak *...(Interruptions)*

THE DEPUTY CHAIRMAN: If you don't understand, then you go and get an audition test.

SHRI SUBRAMANIAN SWAMY: I am asking you whether I can raise a point of order and you said that you would allow me.

THE DEPUTY CHAIRMAN: You can say it properly. I have allowed many Members. This is another way of casting aspersions on the Chair.

SHRI SUBRAMANIAN SWAMY: May I raise a point of order?

THE DEPUTY CHAIRMAN: Yes.

SHRI SUBRAMANIAN SWAMY: All right. Thank you. *...(Interruption)...*

THE DEPUTY CHAIRMAN: There is nothing to laugh at this. I am very sorry; shame on you. *...(Interruptions)...* I am dealing with him. I am dealing with this matter since morning. It is a serious matter. What is there to laugh about it? You are laughing at me, it is O.K. Laugh. *...(Interruptions)...*

SHRI HANSRAJ BHARDWAJ: This is very bad. There is no shame for it. *...(Interruptions)...*

SHRI SUBRAMANIAN SWAMY: Madam deputy Chairman, the first point I would like to make is...*(Interruptions)...*

THE DEPUTY CHAIRMAN: I never make any comment. You know I have heard what you have all said in this House. I never make any comment. Do not repeat it. I said it with agony, I am sorry.

SHRI HANSRAJ BHARDWAJ: Please listen. Your injury is our injury. *...(Interruptions)...*

THE DEPUTY CHAIRMAN: I know how much it is your injury. I know how much the Chair is being insulted and you say "your injury is my injury."

SHRI HANSRAJ BHARDWAJ: Even then, Madam, you should not use the word 'shame'.

THE DEPUTY CHAIRMAN: Sit down. Keep quiet.

SHRI HANSRAJ BHARDWAJ: We are condemned for what we spoke.

THE DEPUTY CHAIRMAN: I am ashamed. All right? I am ashamed of everything.

SHRI SUBRAMANIAN SWAMY: This matter—what Mr. Tewari has said and which the whole House has

[Sh. Subramanian Swamy]

condemned—cannot be left to the Chairman's discretion because it will be unfair on him. It should be decided by the House. Number one. Number two is, since it is a much wider question than privileges and it involves the contempt of the House, it should be decided by a Committee of the House and not by the Privileges Committee and this has been the past precedent also. *...(Interruptions)...* Now it cannot be treated on par with somebody throwing leaflets from above, because Mr. Tewari has been giving statements for the last ten days and none of them has been appearing except this one which has suddenly appeared and the newspapers have given it publicity as if he is a great oracle who has spoken and words of wisdom have flown. When there is so much competition for newspaper space, suddenly Mr. Tewari has got five columns in the "Indian Express". It took me by surprise. Therefore when somebody throws a leaflet, you know who is throwing it. We are at the minimum to find out whether Mr. Tewari gave the statement at all. *...(Interruptions)...* Yes, we have to know. *...(Interruptions)...*

SHRI V. GOPALSAMY: What he is saying!

SHRI SUBRAMANIAN SWAMY: Madam, it has become fashionable *...(Interruptions)...* It has become fashionable to desparage the president of India, the Vice-President of India and the Indian Army also, and therefore we cannot treat this matter lightly. I think some norms have to be worked out and the norms can be worked out only by a committee of the House and it cannot be done on the spot if justice is to be given.

THE DEPUTY CHAIRMAN: Now, let me allow the Leader of the House to speak *...(Interruptions)...* I have heard the Leader of the Opposition and he has expressed his views. I heard many other Members also *...(Interruptions)...* Now, let me allow the Leader of the House *...(Interruptions)...*

DR. YELAMANCHILI SIVAJI: My notice is also there *...(Interruptions)...*

THE DEPUTY CHAIRMAN: O.K. First, let me allow the Leader of the House to say something *...(Interruptions)...* Yes, Mr. Gurupada Swamy.

SHRI M.S. GURUPADASWAMY: Madam Deputy Chairman, by and large, I share the views expressed by my honourable friend, the Leader of the Opposition, on this matter. Basically I agree with him. It is not a matter of a political party, but it concerns the whole House.

A reference has been made in the House by the Leader of the Opposition that even in matters where there was an insult to the House or violation of the Honour and privilege of the House, by certain members sitting in the gallery—maybe throwing some pamphlets, maybe shouting or maybe indulging in any sort of misbehaviour—the Members of the House or the House itself got seized of the matter and had taken a decision, the House itself had taken a decision. My colleague here has referred to such incidents also. But this matter does not fall under this category at all. I tried to look at it from that angle also. But, I am sorry to say, I could not appreciate this point of view. This matter is far more serious and grave, and the transgression, the violation, committed by Shri Tewari, is far outrageous and "it is extraordinary *...(Interruptions)...* Just a minute *...(Interruptions)...* I only wish to point out—I speak as the Leader of the House—there is no parallel in the history of Parliament including the Lok Sabha and the Rajya Sabha where we have dealt with such a situation. I was a Member of the other House and I know of such incidents. As my friend, Shri Dipen Ghosh, has pointed out, the Editor of the weekly, "Blitz", was called to the Bar of the House. I know of such incidents. But such incidents refer to individuals, committees and persons, but never in the past was there an attack on the Chair

itself, an attack of this magnitude. Let us not be scared away by the fact that a particular person belongs to this side of the House or that side of the House. That is not my concern. I am only pleading with the Members here that the attack is on the system itself. Please bear with me. How do we look at an attack on the House? The majesty of the House, the dignity of the House and the honour and privilege of the House have all got to be safeguarded and we have been saying this. That should be our concern. An attack of this nature was never seen by anybody in the past, was not there at any time in the past.

Madam, I tried to look through the British Parliamentary History also. Madam, in the British Parliament, till today,—it has hundreds of years of history...(*Interruptions*)...

SHRI P. SHIV SHANKER: I have a point to make here ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Let him speak first. I will allow you later ...(*Interruptions*)...

SHRI M.S. GURUPADASWAMY: I am taking a view and I am puttig forward that view.

Never in the history of the British Parliament was such a serious attack on the Chair made, and even here it was never made in the past. So, this has no parallel and this has no precedent. When such is the case, how do you look at it? There are two courses open to us in the present case. One is whether this matter cannot be referred to the privileges Committee. I put it to you, whether this matter can go before the Privileges Committee, whether the Privileges Committee can consider it observing its own procedure, or whether the House itself can take a decision right now. These are the two options before the House broadly. There are no other options. The Committee which may friend has suggested is no remedy at all. The Privileges Committee is a committee of the House. Therefore, there are broadly two options, whether this matter can go before the Privileges Committee or whether it can be decided by the House itself. I put it before the House, before the Leader of the Opposition. The Chairman is involved. That has been pointed out by several Members here. The attack is not only against the Chairman but also against the whole House and the Chairman is involved in it. When the Chairman is involved, can the issue be sent to the Privileges Committee which is presided over by the Deputy Chairman? Let us understand this, that the Chairman is attacked and to expect the Deputy Chairman ...(*Interruptions*) I am not casting aspersions. It is too serious a matter to go before the Privileges Committee. And for referring this matter to the Privileges Committee, if the matter could be regarded as a normal crime, a usual crime, a usual transgression of the privileges of this House, I have no objection at all. I do not denigrate the Privileges Committee also. I hold the Privileges Committee in the highest esteem. It is a committee of the House. It is its function to deal with the privileges of the House and the violations of the privileges. But in this particular case I draw a distinction, I draw a line, that the Chairman is involved; along with the Chairman the entire House is involved. The crime is far too serious. And looked at from that point of view we are setting a new precedent. There is no precedent to guide us. So far as this case is concerned we are setting up a new precedent, when there is a violation of the privileges of the House what we should do in the matter. I hope honourable Members of the House will share with me when I say the honour, the privileges and the rights of the House should remain unassailable, inviolable and indivisible. Therefore, I plead with the House, let them not charge each other, whether this side of the House or that side of the House, with being partisan. Charging any side with

[Shri M.S. Gurupadaswamy]

partisanship does not solve the problem. It will cloud the issue, cloud our minds. It is not Tewari as a member of the Congress Party. No. You have disowned him; virtually you have disowned him. My friend, I am very happy, Shiv Shankerji, has disowned him, disowned his statement. I am very happy indeed. But he is an important member of a politicial party. He is a very, very important member who occupied important positions in the past. And he has done it deliberately. To my mind the motive is important. It is the motive part of it which is very important. And you cannot charge Tewari as an ignoramus or as a wind-bag. He has made the statement keeping in view the consequences, keeping in view the seriousness of the matter. Therefore, I say I put it to you. I am not making any suggestion at all. Before the House these are the options. Perhaps these are the only two options, whether this matter should be referred to the Privileges Committee or since the matter is so serious and extraordinary and it has no parallel, whether this matter should be dealt with by the House itself.

The last point, I am equally concerned—my friend, the Leader of the Opposition, said about the procedure—I am for the Procedure. We have to observe the procedure. Even the worst culprit, even the worst criminal, should be given an opportunity to defend himself. That has to be done. Moreover, Mr. Tewari may deny his statement. I know that. But he must be given an opportunity. When a Member can appear before the Privileges Committee, then why can't a Member appear before the House? It is a better body. It is an august body. Perhaps many Members want to see Mr. Tewari here. That apart, may I say that we should observe all procedures. An opportunity has to be given to him. Now the House has to take a decision whether they opt for the first option or the second option. I leave the matter to the House. *(Interruptions)*

SHRI N.K.P. SALVE: Madam, I may be permitted to make our position clear.

THE DEPUTY CHAIRMAN: Before I ask the House to take a decision on the motion, I will request the Members to let the Leader of the Opposition speak since he wants to say a few words. I will allow you also.

SHRI G. SWAMINATHAN (Tamil Nadu): What about my party?

THE DEPUTY CHAIRMAN: There is no question of party. We are above party.

SHRI N.K.P. SALVE: Madam, I crave your indulgence to permit me after Mr. Mathur. *(Interruptions)*

THE DEPUTY CHAIRMAN: I never want to lose my cool. But some Members behave in a manner that I have to lose my cool. Please don't do that to me. Now, Mr. Mathur will say a few words.

श्री जगदीश प्रसाद माथुर: महोदय, बड़े समाधान का विषय है कि अपोजीशन के नेता और सदन के नेता। हमारे नेता, सारे हाउस में एक मत हैं कि इस विषय में जो कुछ हुआ है वह अत्यन्त खराब हुआ है, निन्दनीय है। मैं विरोधी दल के नेता से सहमत हूं कि इसमें विलम्ब नहीं होना चाहिए। मगर सवाल यह है कि विलम्ब से कैसे बचा जाये? क्या यह विलम्ब जैसा हमारे मित्र स्वामी ने कहा है कि हम हाउस की एक कमेटी बनाकर नहीं बचा सकते हैं? नहीं बचा सकते हैं। इसमें देर लगेगी। क्या इसको प्रिविलेजज कमेटी में भेज कर समय बचा सकते हैं? उसमें भी देर लगेगी। अब सवाल यह है कि जैसा सदन के नेता ने कहा है और अन्य सब ने भी कहा है कि सदन को पूरा अधिकार है, यही फैसला होना चाहिए। मैं सदन के नेता से इसमें अपने दल को सहमत करता हूं कि चेयरमैन को इस विषय में इंवोल्व करना उनके साथ अन्याय करना होगा क्योंकि यह उनका अपना विषय है। एक शरीफ आदमी की तरह से वे कभी भी यह नहीं कह सकते हैं कि जिसने उनका अपमान किया उससे बदला लिया जाये। इसलिए हमें उनको इम्बेरेसिंग पोजीशन में नहीं डालना चाहिए। हमको श्री तिवारी को सीधे सीधे यहां बुलाना चाहिए। मैं नहीं जानता कि इसमें आपकी रूलिंग क्या होगी। जैसा स्वामी जी ने कहा कि यहां पर श्री तिवारी को बोलने का अधिकार नहीं होगा। लेकिन वे अपना रिटन स्टेटमेंट

सबमिट कर सकते हैं। वह अपना लिखित वक्तव्य दे दें। यदि कोई प्रश्न होगा। मान लीजिये सदन को लगता है कि इस विषय में प्रश्न करना है तो आप स्वयं अथवा जिस किसी को आप डेजिगनेट करें, चाहे वे विरोधी दल के नेता हों, चेम्बर में जा कर उनसे बात कर सकते हैं कि आपका इस विषय पर क्या कहना है। इस तरह से रास्ता निकाला जा सकता है। मेरा और मेरे दल का यह मत है कि इस सवाल पर देर न करते हुए आज और यदि आज नहीं तो कम से कम कल निश्चित रूप से तय करना चाहिए ...**(व्यवधान)**। आज ही होना चाहिए।

SHRI N.K.P. SALVE: Madam, just one minute...

श्री जगदीश प्रसाद माथुर: यह मेरे साथियों का कहना है, आज ही, मैंने कल की बात नहीं कही। यदि तिवारी जी आपके हाथ में नहीं आते हैं बुलाने पर तो ....**(व्यवधान)**.... मैडम यह आज ही होना चाहिये। ....**(व्यवधान)**....

SHRI N.K.P. SALVE: Madam, the right of this House...

SHRI DIPEN HOSH: Madam, the Motion must be passed today.

SHRI N.K.P. SALVE: Madam, the right of this House...

SHRI G. SWAMINATHAN: Madam, allow me...

THE DEPUTY CHAIRMAN: I have allowed him. Let him say a few words. I will allow you. There is no party involved in it. I will allow you.

SHRI N.K.P. SALVE: Madam, the right of the House to summon a person who is guilty of insulting the Chairman and belittling the dignity of the House is absolute. There is no doubt about it. I am of the view that the House should exercise such a right and the matter be not left to the Privileges Committee. Madam, if what has appeared in the press is true and correct, well, the person concerned must be called here before the bar of the House and be admonished. But it is equally necessary, Madam, that it must not appear that this House has taken a decision before calling him. It will be the gravest of violation we will be committing. (*Interruptions*)

SHRI V. GOPALSAMY: Don't try to dilute.

SHRI N.K.P. SALVE: We will not dilute; we are not diluting. Please. You don't understand. Please do not take a decision which will appear to be vindictive. Madam, I submit that today a notice be issued on a Motion of this House, asking Mr. Tewari only two questions, whether his statement has been correctly reported in the papers and if so, what is his defence. And his reply should be available to the House, and on the basis of that reply, the House should take a decision that it wants to take. Not to do so, Madam ...(*Interruptions*) By not doing so, we will be ourselves guitly ...(*Interruptions*) Madam, not to do so will expose us to a very serious criticism before the bar of the people that we acted in violation of the principles of natural justice. (*Interruptions*) This House cannot be allowed to act vindictively. This House must adhere to the cardinal principles of natural justice, and take such decision as it wants to take keeping in view the culpability, keeping in view the crime, keeping in view the seriousness of the guilty of the person concerned. And, therefore, ...(*Interruptions*) Please, Gopalsamy. Madam, a person has got to be given an opportunity. He must be asked. Madam, the person, if he has to be condemned and admonished before the bar of this House, this House has a right. There is an obligation which we carry with this right, and the obligation is to know what his version is. If we do not do that ...(*Interruptions*) In writing, his version must be know. That is our view-point I will urge, please do not create an impression before the country and the world that we have acted in a ...(*Interruptions*) Mr. Gopalsamy, I implore upon you. You see, I have now come to know that my Party President has issued a show cause notice to Mr K.K. Tewari himself. Nobody will allow his guilt to go unpunished.. What is necessary is, we abide by the procedure. (*Interruptions*)

SHRI V. GOPALSAMY: On what basis Mr. Shiv Shanker apologised? The statement of Mr. Shiv Shanker establishes ...(*Interruptions*)

SHRI P. SHIV SHANKER: Madam, I wanted to speak.

SHRI V. GOPALSAMY: Right now we have to decide.

SHRI G. SWAMINATHAN: Madam, you allow me.

THE DEPUTY CHAIRMAN: I will allow you.

SHRI DIPEN GHOSH: Let the vote be taken on the Motion.

SHRI V. GOPALSAMY: Madam, we have moved a Motion. That Motion may be put to vote. (*Interruptions*) Mr. Shiv Shanker should support the Motion. (*Interruptions*) I expect my friends from the other side to support the Motion. (*Interruptions*)

SHRI DIPEN GHOSH: Let the Motion be carried. (*Interruptions*)

THE DEPUTY CHAIRMAN: Just a minute please. (*Interruptions*) Here is a gentleman from a very important party standing before me. I will allow him one minute. The Law Minister is here. Mr. Ram Awadhesh Singh is also standing, wanting to speak. I cannot bulldoze everything. I will have to give opportunity. (*Interruptions*)

SHRI G. SWAMINATHAN: Madam Deputy Chairman, a very condemnable statement has been made by a person against the hon. Chairman of the House. On behalf of my party, I condemn it, if it is true. In this connection, the only point I want to make is this. It has been suggested that a resolution can be adopted by this House and that he should be called here and reprimanded. Another point has been raised by a Member from the other side that without verifying the correctness of the statement, straightway, he cannot be called to the House and reprimanded. Madam, the House cannot become a court. (*Interruptions*) The person concerned will have no opportunity to defend himself here. He cannot speak in the House. He cannot be brought to the House and reprimanded unless the charge is proved against him. We should hear what he has to say. (*Interruptions*) If you reprimand him straightway, he will not be able to defend himself. (*Interruptions*) There are certain rules under which this has to be done. (*Interruptions*) Please allow me to speak. (*Interruptions*) Madam, I am not being allowed to speak. (*Interruptions*) This is not fair. (*Interruptions*) Without giving an opportunity to him, you are condemning him. (*Interruptions*)

SHRI DIPEN GHOSH: We should summon him here and reprimand him. (*Interruptions*)

SHRI G. SWAMINATHAN: Please hear me. (*Interruptions*) You cannot condemn him without giving an opportunity to him. (*Interruptions*) How can you say? (*Interruptions*)

SHRI DIPEN GHOSH: He has committed a breach of privilege by going to the Press. (*Interruptions*)

SHRI V. GOPALSAMY: You are defending him. (*Interruptions*) You are supporting him. (*Interruptions*)

SHRI G. SWAMINATHAN: I am not supporting him. (*Interruptions*)

THE DEPUTY CHAIRMAN: Please. I have not heard anything. There is so much noise. What you want to say, Mr. Swaminathan?

SHRI G. SWAMINATHAN: Madam, my only point is this. (*Interruptions*) Please allow me to speak. (*Interruptions*)

THE DEPUTY CHAIRMAN: Hon. Members, please. (*Interruptions*) I know that you are talking about justice, but you are not meaning it. (*Interruptions*) Let us not get agitated. In agitation you may say something which you may repent afterwards. Don't get agitated. He has every right to speak. This is a serious matter. It has never happened before. We are all bewildered as to what we should do. As Chairman of the Privileges

Committee, I have to protect. I have been appointed the Chairman of the Priveleges Committee. I have to protect the rights of the Members. Now, the Chairman is superior to me. Can I sit in judgement over this? These are all things, these are all questions, which have never arisen before. I am sorry to say. Mr. K.K. Tewari has got this special honour to create this kind of rumpus in the House. I am very sorry. Never before such a thing had happened. It is a question of the dignity of the Chairman and whoever is the Chairman in the future. But I really do not know. There is a Motion before the House. We have also to adjourn for lunch. After lunch, we have other Business. I will discuss it. (*Interruptions*). I have allowed Mr. Shiv Shankerji.

SHRI P. SHIV SHANKER: I find a little dichotomy in the arguments of some of the friends. Nobody denies the seriousness of the matter and seriousness of the crime. I would like to submit that whatever severest punishment that the House would like to inflict, that is the prerogative of the House, nobody is questioning it. But where I find, unfortunately, the Leader of the House, in his submission, created a little dichotomy is that it is a very severe crime, it should be punished and he went suggesting that since it is the severest of crimes we should go ahead and need not follow the procedure. (*Interruptions*) Let me submit, let me complete.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): He never said so. You are hard of hearing. (*Interruptions*)

SHRI P. SHIV SHANKER: Madam, the basic principle is that nobody can be condemned without being heard. That is the basic principle. If you want to condemn right away, then I am not with you, then we would be setting up a very bad precedent. We will be bringing down this House. I am worried about that part. Would you like that we should be ridiculed?

THE MINISTER OF ENERG WITH ADDITIONAL CHARGE O THE MINISTRY OF CIVIL AVIA TION (SHRI ARIF MOHD. KHAN Would you yield for a minute? (*Interruptions* He has agreed to yield. Madam, th Leader of the Opposition earlier referre to a letter which he has written to th hon. Chairman in which he has said tha he disassociates... .

SHRI P. SHIV SHANKER: But yo have never allowed me to read it.

SHRI ARIF MOHD. KHAN: If thi is not something which amounts t confirmation, then what does h disassociate himself from?

SHRI P. SHIV SHANKER: What is I am talking and what is it you ar saying? Please listen to me first. We ar on a different quesiton.

SHRI T. A. MOHAMMED SAQH (Tamil Nadu): You are contradictin your own statement. You ar contradicting what you hav said...(*Interruptions*)

SHRI P. SHIV SHANKER: What i this going on? Madam, I stand by ever word I have uttered. We have totall disassociated ourselves with th statement as I have already said ver clearly. Now the point which you mus appreciate is whether you woul straightway like to punish the man (*Interruptions*). If you want to do it, d it, but you will go on record in histor that you have done something unusua that cannot be allowed. That is what want to say. A lot of friends have bee saying in different forms. For example Mr. Mathur said, let him file a writte statement. If he files a writte statement, would the House consider it What is it that you are talking about (*Interruptions*). Allow me to speak an complete my speech.

SHRI JAGDISH PRASAD MATHUR: I would like to have on clarification from the Leader of th Opposition. Does he mean to say tha this House has no authority over this?

[Shri Jagdish Prasad Mathur]

he House has the authority, then what :lse do you want?

SHRI P. SHIV SHANKER: That is vhat I am saying. Just listen. I should be ıllowed to speak. Just listen to me .....I nust be allowed to speak. What is this? ...That is all right. I know much better.

THE DEPUTY CHAIRMAN: Please, oo much argument has gone into it.

SHRI P. SHIV SHANKER: I am inishing in one minute.

THE DEPUTY CHAIRMAN: Please lon't argue with others. Just make your ›oint.

SHRI P. SHIV SHANKER: The point am making is, I am only concerned that /e should follow the principles of natural ıstice. We should issue a notice to him. f he has any explanation, let him offer ‹ But if he is to be condemned without eing heard, we cannot be a party to it. /hat I am submitting is that it is possible ıat he might give an explanation Whatver explanation he gives, it is not possıle for the House to decide because the ouse cannot sit to investigate as a House ›r that purpose. And if a man gives a ritten explanation, that has to be lowed and we have to consider it. herefore, the matter has to go to the ivileges Committee and I would submit at the Privileges Committee may decide e matter within 15 days It should not ke more than 15 days. (*Interruptions*) 'e cannot be a party to condemnation ıthout being heard. Let us give the veiest punishment. I am prepared for at But we shall not be a party to ndemnation without being heard That the point which I am making.

SHRI P. UPENDRA: There is some ›rce in the argument of Mr. Shiv hanker ....(*Interruptions*)

SHRI P. SHIV SHANKER: If you ant to condemn him, condemn him But istory will show that this House acted legally.

SHRI MAKHAN LAL FOTEDAR (Uttar Pradesh): We do not want to be a party to the condemnation ...(*Interruptions*)...

SHRI P. UPENDRA: Let me complete.

THE DEPUTY CHAIRMAN: Please, hon. Members do not say anything... If Mr. Fotedar does not want to be a party to this condemnation, I release him from this. But let the Minister speak.

SHRI MAKHAN LAL FOTEDAR: Please, Madam, you have cast an aspersion on me. I have not said that I am not...

THE DEPUTY CHAIRMAN: I only said what the record is. You said, "we do not want to be a party to the condemnation." I only repeated that. Nothing else.

SHRI MAKHAN LAL FOTEDAR: You just listen to me....I say, I will not be a party to persecution. To persecution, we will not be a party. It must be referred to the Privileges Committee...(*Interruptions*)

THE DEPUTY CHAIRMAN: I will see the records....Please, I will see the records. Please don't get agitated. I will see the records...

SHRI MAKHAN LAL FOTEDAR: Nobody should be persecuted...

THE DEPUTY CHAIRMAN: ...whether you used the word "condemnation" or "persecution". I will check the records.

SHRI MAKHAN LAL FOTEDAR: Nobody should be persecuted. Noboday should be condemned unheard. That is the point. (*Interruptions*)

SHRI P. UPENDRA: Madam, on the one side, it is very necessary to take serious note of this statement given by Mr. K.K. Tewary. The Leader of the Opposition has acknowledged partially the veracity of the statement by apologising to the House, whatever it is. Now what we are demanding today is to take serious note of the incident and

resolve to call him here and reprimand him. By that we are proving our concern for the dignity of the House and the dignity of the Chairman. And you fix the date for summoning him on Monday. If before Manday, he comes to you or the Chairman and proves that he has not made the statement, you can decide and come back to the House and report that there is no cause for action and he need not be.

SHRI P. SHIV SHANKER: What is this procedure?

THE DEPUTY CHAIRMAN: I will not decide. Let the House later on decide. I do not take the responsibility alone. Let the House decide.

SHRI P UPENDRA: We will pass a resolution now. Let us adopt this Motion now and fix the date for reprimand as Monday.

2.00 P M

SHRI DINESH GOSWAMI: Madam, I will speak only about the procedural point to which reference has been made times without number by Mr Shiv Shanker, that it will be a violation of the principles of natural justice of Mr Tewary is not given an opportunity. Let us not forget that to a privilege motion the principles natural justice really do not apply.. (*Interruptions*)... Please listen. Let me have my say. What is the principle? Please listen.

SHRI HANSRAJ BHARDWAJ: How do you say... ...(*Interruptions*).

SHRI DINESH GOSWAMI: Please listen. What is the fundamental rule of natural justice? ...(*Interruptions*).

SHRI N. K. P. SALVE: Madam, you are the Chairman of the Privileges Committee. Please tell him ...(*Interruptions*)...

SHRI DINESH GOSWAMI: Please listen to me. What I have said is... ...(*Interruptions*)...

SHRI MADAN BHATIA: You cannot ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Plea take your seat. Just a minute, Mr. L Minister.

SHRI DINESH GOSWAMI: What said is, in the matter of privilege, t principles of natural justice have limit application. Now, the fundamen principle of natural justice is, nobody c be prosecuted...

SHRI MADAN BHATIA: What you ...(*Interruptions*)...

SHRI DINESH GOSWAMI: M Bhardwaj, I also know law. Mr. Bhatia also know law. ...(*Interruptions*) Madam, let me formulate my point a then, if Mr. Bhatia wants to reply or M Salve wants to reply, let them reply. T point I am making is that in the matter privilege ...(*Interruptions*)... After a we are discussing the procedu ...(*Interruptions*). I have my right submission. ...(*Interruptions*)... If M Salve or Mr. Bhatia wants to challeng they can challenge. I am speaking with certain responsibility. Please liste ...(*Interruptions*)...

SHRI V. NARAYANASAMY: Wh You are saying is ...(*Interruptions*).

SHRI DINESH GOSWAMI: Plea listen. I know more law than you d ...(*Interruptions*)...

SHRI MADAN BHATIA: Und article 141... ...(*Interruptions*)...

SHRI DINESH GOSWAMI: I w reply. .. (*Interruptions*)...

SHRI MADAN BHATIA: T Constitution is supreme. (*Interruptions*)

THE DEPUTY CHAIRMAN: This not the Supreme Court. Mr. Bhat please take your seat. Unfortunately fortunately, this is not the Supre Court. This is a House of t representatives of the people and t people should decide what should done. It is not for the Supreme Court decide. I will not allow yo ...(*Interruptions*)... Mr. Dinesh Goswar please, one minute. I want to rest

[THE DEPUTY CHAIRMAN]

order in the House. Please take your seats. ...(*Interruptions*)... I say, please sit down; please take your seats. ...(*Interruptions*)...

Right from the beginning in the morning, all of us said that it is a serious matter but, I am sorry to say, unfortunately, we have got involved in technicalities. That is exactly what I told Mr. Shiv Shanker when he referred to it. Now, the question before the House is that somebody has insulted the Chair. It is as simple as that. Now, what should be the procedure? I am the Chairman of the Privileges Committee but, whoever is the Chairman of the Privileges Committee, such a thing never happened in past history, not in the Rajya Sabha as far as I know. Now, as Chairman of the Privileges Committee, being the Deputy Chairman, am I in a competent position to decide about the insult to the Chairman? In my wisdom I feel that we are making history here. Let the House decide. (*Interruptions*) Ram Awadhesh Singhji, have a little patience. मैं खुद परेशान हूं। I am also confused and worried about this legal thing. And I really get very worried when everybody talks about law because I am only a law-abiding person. Beyond that I have not done anything. Let us not do anything which will harm the dignity of this House. Also let us not do something for which afterwards we will repent. हम ने किसी को गलत सजा दे दी, यह भी नहीं करना है जैसाकि शिवशंकर जी ने कहा। मगर सवाल यह है कि, पहली दफा तो के०के० तिवारी ने ऐसा स्टेटमेंट नहीं दिया है। इससे पहले भी हिस्ट्री में दिए हैं। ऐसा कुछ नहीं है। कि ....**(व्यवधान)**.... Nobody has commented that Shiv Shankerji has given a statement and that we are reprimanding him and bringing him before the bar. It is not like that. The man has a history of giving irresponsible statement. That is why the House is worried. (*Interruptions*)... मैं किसी के ऊपर आक्षेप नहीं लगा रही हूं। मैं सिर्फ यह कह रही हूं कि जब हम यहां कोई बात कहते हैं तो वह अखबार में आती है। वह लोगों को पता लगती है ...**(व्यवधान)**.... आप जरा चुप रहिए तो बड़ी मेहरबानी होगी। देखिए, सवाल यहां यह है कि कल किसी की तरफ से कोई भी स्टेटमेंट दे दे और वह किसी के नाम पर लिख दिया जाए, ऐसा भी हमें नहीं करना है। मगर यहां हमे यह भी देखना है कि उस आदमी की हिस्ट्री क्या है? अगर किसी ने पहली दफा चोरी की है तो क्या सजा होती है और बार-बार चोरी की है तो क्या सजा होती है। I am talking only as a common person. (*Interruptions*) I am not a lawyer. I say from this place that I am not a lawyer. I don't want to discuss law. I only want to discuss the normal dignity of the Chair and the House which we are proud of. That is the question before the House. Please look into that matter. I request the Law Minister also: please don't refer to any law.

SHRI DINESH GOSWAMI: I am not referring.

THE DEPUTY CHAIRMAN: Also the other lawyers. Great luminaries are Members of this House of which I am proud. But the whole thing is that this is not a matter of law. This is not a matter of justice in relation to law. It is a question of the dignity of this House. The 244 Members who are here and who will come later when we go away should not say that we made wrong history. This is my plea to you. (*Interruptions*)

SHRI HANSRAJ BHARDWAJ: Madam, ...

THE DEPUTY CHAIRMAN: I have not permitted you.

SHRI HANSRAJ BHARDWAJ: Madam, I am only referring to a procedural matter. (*Interruptions*)

SHRI DINESH GOSWAMI: Mr. Bhardwaj, Mr. Madan Bhatia will have full right to reply to me. Let me formulate my point. (*Interruptions*)

THE DEPUTY CHAIRMAN: I have

said it. It is not the law. Let him speak I will ask him. ...(**व्यवधान**)... आप भी बैठ जाइए, मैं आपसे भी कहूंगी बाद में, वह कह लें, तो मैं कह दूंगी।

SHRI DINESH GOSWAMI: Let me have my say. (*Interruptions*)

श्री हंसराज भारद्वाज: बगैर बात के, बगैर चीज के ...(**व्यवधान**)...

SHRI DINESH GOSWAMI: What is this? (*Interruptions*)

SHRI HANSRAJ BHARDWAJ: What is the new law he is talking about? (*Interruptions*) Follow the procedure. He says that the principles of natural justice do not apply. (*Interruptions*)

SHRI DINESH GOSWAMI: I am not saying that. Please listen to what I am saying. You are misquoting me. You will be able to reply. Madam, let him reply after I say what I have to say. (*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. Bhardwaj, don't get direction from the right and the left. Please sit down. Get direction from the Chair for heaven's sake once, please. *(Interruptions)* Your right has not been granted. I have not permitted you. When you talk about the right, please come in the right way. When you talk about your right, I would requrest you to come in the right and proper way. I will allow you. I am one of the persons who have allowed people to speak as much as they like. Let the House not be divided on the Chairman.

SHRI DINESH GOSWAMI : Madam, I should be permitted to have my say. *(Interruptions)* Please listen to me. Why are you interrupting me? *(Interruptions)*

श्री रजनी रंजन साहू : कितनी बार बोलेंगे यह?

उपसभापति : जितनी दफा मैं एलाऊ करूंगी, उतनी दफा इस हाऊस में लोग बोलेंगे और जब तक आपने मुझे यहां डिप्टी चेयरमैन बनाया है। ....(**व्यवधान**)....

SHRI DINESH GOSWAMI: Madam I may be permitted to have my say. My views may be totally wrong. I may be totally ignorant. Mr. Madan Bhatia and Mr. Bhardwaj after I conclude will have a right to rebut, but at least they should give me an opportunity to have my say. What I say is that in the matter or privileges natural justice has limited application. Why I say this is this. The fundamental principle of natural justice is that nobody can be a proscecutor and a judge of his own case. In a matter of privilege, we prosecute, we become the judge and we give the punishment. This point has been discussed a number of times — how a court which prosecutes, how a House which prosecutes also decides and ultimately gives punishment. Here is a departure from the principles of natural justice in the matter of privilege because the House is prosecuting, the House judges, the House performs the punishment. Therefore, what I am saying

श्री सीताराम केसरी : बंदूक की गोली मार दो। ....(**व्यवधान**)....

प्रो॰ मधु दण्डवते : केसरी जी, यह लॉ है।.... (**व्यवधान**)...

SHRI DINESH GOSWAMI: Therfore, I say that it has a limited application. Madam Chairperson, you cannot set a precedent that in all cases — I am not going into the question whether in the instant case opportunity should be given to Mr. Tewary or not—opportunities will have to be given. I may point out that if a man throws leaflets into the House, will you call him to the House and give him an opportunity to show cause as to why he threw leaflets? Have you done it? The fact remains that the act is so *prima facie*. If there is a question of dispute, yes, principles of natural justice will be applicable. This will be applicable when there is a dispute whether the act constitutes a breach of privilege or not. But if absolutely on the face of it the act constitutes a breach of privilege, then there is no question of giving opportunity to the person concerned.

[Shri Dinesh Goswami]

That is why if a man throws leaflets, if he shouts, we don't give him an opportunity.

THE DEPUTY CHAIRMAN: We see him throwing.

SHRI DINESH GOSWAMI: We immediately pass a resolution in the House.*(Interruptions)* Now, what Mr. Shiv Shanker has said is that even when murders have been committed in the presence of judges, we have given him an opportunity to show cause. Now, if opportunity to show cause is to be given when murders are committed in the presence of judges, opportunities of show cause must be given to somebody who throws leaflets in our presence. But we don't do so because there is a limited application. That is why I say that there is a limited application of the principles of natural justice. The question that arises is: does this statement constitute a breach of privilege? If we have doubts in our own minds whether it constitutes or not, then there is a bounden duty on the House to give him an opportunity. But if we come to the conclusion—and to which virtually everybody has agreed—that this has constituted a breach of privilege, there is no question of giving him an opportunity and the House has the power to decide either to refer it to the Privileges Committee or to come to a decision of its own. In my respectful submission in this matter as there is no doubt, the matter should be referred to the Privileges Committee and the House should come to a decision of its own *(Interruptions)*

SHRI V. GOPALSAMY: Madam, I beg to move the following motion. Kindly bear with me. I beg to move:

> "That this House do summon Shri K.K. Tewary to reprimand him for casting aspersions against the Chairman and the Rajya Sabha, thereby endangering the dignity of the House and the Chairman."

SHRI P. SHIV SHANKER: Madam, could it be a unilateral thing like this?

THE DEPUTY CHAIRMAN: I should say whether it is moved or not.

SHRI P. SHIV SHANKER: Madam, may I just make one submission? I was consulting Mr. Kamal Morarka for the purpose of finalising a resolution. If he does not want to take us into confidence and he would like to do it on his own, then, it would be very difficult for us to support. We do not know the language...*(Interruptions)* ...Let us agree to a resolution.

THE DEPUTY CHAIRMAN: I suggest to the House, we adjourn for lunch and then we discuss it...*(Interruptions)* ...I have not yet adjourned. Let me take the sense of the House...*(Interruptions)* ...I do not want to take the entire responsibility on me. The Chairman will decide it.

SHRI P. SHIV SHANKER: Let us draft an appropriate resolution which could immediately come up after lunch.

SHRI DIPEN GHOSH: I have already submitted a motion in writing.

SHRI P. SHIV SHANKER: We do not know the contents of it...*(Interruptions)* ...We seem to be throwing away all the norms, all the rules and procedures and the law. Should we not know what are its contents:...*(Interruptions)* ...We must know what the resolution is? We do not know anything. We must know what it is?

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, have you moved a motion? You first read it out for the Members. It is entirely up to the Chair to allow it be moved or not to allow it. ...*(Interruptions)*...

SHRI DIPEN GHOSH: At that time Mr. Shiv Shanker had reacted to it. He did not want that motion to be circulated.

SHRI P. SHIV SHANKER: We are prepared for that. Let us also go through it.

SHRI DIPEN GHOSH: It is a matter

of...*(Interruptions)* ...I have already moved the motion.

THE DEPUTY CHAIRMAN: The procedure is that if a Member wants to move a motion, it does not become a motion until the Chair moves it. So still I have my right to move or stop it. You can say you have moved the motion but then it is for me to say...*(Interruptions)* ...What is the motion?

SHRI DIPEN GHOSH: I told you in the morning before he reacted I wanted to move a motion. The Motion says that Mr. K.K. Tiwary must be summoned to the bar of the Rajya Sabha to reprimand him. That was my motion. I wanted your permission. Thereafter the discussion started.

THE DEPUTY CHAIRMAN: I have reserved my permission for that motion and I also reserved my permission for the motion moved by Mr. Gopalsamy. So let me have some rights; I hardly have any. Now, I ask Mr. Shiv Shankerji to move whatever he wants to move. Finally whether it is carried out or not that we have to see.

SHRI P. SHIV SHANKER: You want us to draft it?

THE DEPUTY CHAIRMAN: Yes. ...*(Interruptions)* ...

SHRI P. SHIV SHANKER: They must take us into confidence before drafting it.

SHRI ARIF MOHD. KHAN: Madam, we would like to know whether Mr. Fotedar is also associating with the motion which is going to be moved in the House.

...*(Interruptions)* ...

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Madam Deputy Chairman, I am grateful to you for giving me this opportunity. I am totally ashamed of the statement which I read this morning in the Press. I think the maker of that statement stands cor[illegible]mned by his o[illegible]n stat[illegible]m[illegible]nt. But what is most important is that we are concerned about the dignity of the Chairman and the dignity of the House.

I am really not concerned whether the rules of natural justice apply or do not apply because this is a very very fallacious way of looking at things. Ultimately it must not be forgotten that our whole system is rooted in the rule of law and in our country, No man shall be condemend unheard. Just as there is one principle of natural justice that nobody can be a judge in his own cause, there is also another principle of natural justice that no person shall be condemned unheard. Even when God had to punish Adam and Eve, He asked whether they had eaten the forbidden fruit or not and He did not punish them without observing the principles of natural justice. What is most important today is, Madam, let the House not be divided on this issue. Therefore, I appeal that we should adjourn for a short time. Let the two leaders meet. There are sagacious leaders here; let them meet, put their heads together and come with an agreed draft which will uphold the dignity of this House, uphold the dignity of our Chairman and the majesty of the rule of law in our country. Thank you.

THE DEPUTY CHAIRMAN: I would not be doing justice if I do not allow Mr. Ram Awadhesh Singh. मैं यह कह रही हूं कि मैं न्याय नहीं करूंगी अगर आपको एलाऊ नहीं करूंगी। राम

श्री राम अवधेश सिंह (बिहार): माननीय उपसभापति महोदया, मैं आपके प्रति बहुत आभारी हूं कि आपने मुझे समय दिया। दोनों पक्षों के लोग जब खड़े होते हैं तो एक ही बात से शुरू करते हैं कि हमें बहुत दुख है इस बयान से लेकिन आगे जब बात होती है तो प्रतिपक्ष के लोग अगर-मगर जोड़कर नेचुरल जस्टिस क्या है, इसमें लगाकर चाहते हैं कि किसी न किसी तरह से जो कलप्रिट है उसको किसी भी तरह से छोड़ दिया जाए। इस प्रकार की दो घटनाएं घटी हैं—एक तो इस पार्लियामेंट के अंदर और दूसरी बिहार विधानसभा के अंदर। मैं ये दो उदाहरण पार्लियामेंटरी डेमोक्रेसी के देता [illegible]। *(Interruptions)*

THE DEPUTY CHAIRMAN: Please listen to Mr. Ram Awadhesh Singh. He listened to everybody.

श्री राम अवधेश सिंह : महोदया, एक घटना घटी थी बिहार विधानसभा में जब कि गवर्नर के एड्रेस के समय गैलरी से चप्पल गिराई गई थी। तो उस समय तत्काल सदन बैठा और सदन ने बिना उसको कोई मौका दिए हुए एक कोर्ट की हैसियत से बैठकर उसको जेल भेज दिया।

यहां मिसेज गांधी का भी केस है जब मिसेज गांधी ने प्रिविलेज कमेटी के सामने जाने से इंकार कर दिया तो कमेटी ने मिसेज गांधी के खिलाफ फैसला दिया और सदन बैठा और उसने उनको जेल की सजा दी। तो यह हमारा इतिहास है और मैं यह कहना चाहता हूं कि ऐसे मौके पर हमको पक्ष और विपक्ष में विभाजित नहीं होना चाहिए और हमको ऐसा प्रिसिडेंट कायम करना चाहिए कि जो व्यक्ति सदन की गरिमा को गिराता है उसको यह सदन कोर्ट की हैसियत से बैठकर सजा दे।

महोदया, मुझे इन लोगों की ओर से टीका-टिप्पणी करने पर कोई एतराज नहीं है क्योंकि इनका कल्चर ऐसा हो गया है—भोला पांडे जिसने जहाज को हाइजैक किया उसको इन लोगों ने टिकट दे दिया, के०के० तिवारी जिसने राष्ट्रपति को गाली दी उसको मंत्री बना दिया....**(व्यवधान)**....मालूम है के० के० तिवारी को हमारे इलाके में क्या कहते है—*तिवारी।

के० के० तिवारी को आम जनता कहती है के० के० तिवारी उर्फ तवारी, हमारे इलाके मे उनको कहते हैं।

एक सम्मानित सदस्य: कटाह क्या होता है।

श्री राम अवधेश सिंह: * हमारे इलाके में के० के० तिवारी को * तिवारी कहते हैं। कितना उनका हाई रेपूटेशन है....**(व्यवधान)**

उपसभापति: प्लीज राम अवधेश जी बैठ जाइये। राम अवधेश जी प्लीज सिट डाऊन। आपकी अपनी....**(व्यवधान)** जस्ट ए मिनिट, प्लीज ऑनोरेबिल मेंबर। अपनी पर्सनल लड़ाई को यहां आप सदन में नहीं कहेंगे। आपकी उनसे लड़ाई है तो आप उनसे जाकर लड़िये हमें कोई ऐतराज नहीं। यहां सिर्फ मसला चेयर का, चेयरमैन का और हाऊस का है, इसके अलावा कुछ मत कहिये।

SHRI P. SHIV SHANKER: Madam, may I request you to adjourn the House just for fifteen minutes so that we can discuss this amongst ourselves? Just fifteen minutes only.

THE DEPUTY CHAIRMAN: I have to take the sense of the House.

SHRI P. SHIV SHANKER: Madam, if you adjourn the House just for fifteen minutes, then I can satisfy myself and we can also discuss it amongst ourselves. Just for fifteen minutes only...*(Interruptions)* ...I am making this request to you so that we can deliberate on it amongst ourselves. Only for fifteen minutes I want the adjournment...*(Interruptions)* ...

SHRI DIPEN GHOSH: Madam, let us move the resolution first and then adjourn the House...*(Interruptions)* ...Madam, let us move the resolution first...*(Interruptions)* ...

श्री राम अवधेश सिंह: महोदया, मैं इस राय का हूं कि तत्काल आज के० के० तिवारी को सदन में बुलाया जाये और सदन में बुलाकर सदन एक कोर्ट की हैसियत से बैठकर फैसला करे और एक ऐतिहासिक परम्परा कायम करे और सदन के खिलाफ या सदन की गरिमा के खिलाफ या प्रेस की गरिमा के खिलाफ कोई आदमी बोलेगा तो उनको सदन में तत्काल बुलाया जायेगा और सदन एक कोर्ट की हैसियत से अपना फैसला सुनायेगा और फैसला देगा। यह एक ऐतिहासिक परम्परा कायम की जाये। महोदया, इसमें....**(व्यवधान)**

उपसभापति: राम अवधेश जी, मेरी आपसे यह नम्रतापूर्वक विनती है कि कृपया के०के० तिवारी से जो आपके एरिया के, आपके स्टेट के, आपके डिस्ट्रिक्ट के, गांव के झगड़े हों यह कृपया आप उनसे वहीं निबटें। इस हाऊस के सामने एक बहुत गंभीर मसला है, वह मसला है हमारे चेयरमैन का और आने वाली पीढ़ियों का। कृपया मैं आपसे बहुत विनती करती हूं कि आप उनके चक्कर में न बोलिये। आप यहां के०के० तिवारी की बात बोल रहे हैं, वह सब नहीं है। यहां सिर्फ चेयर की बात है और कुछ भी नहीं है। मैंने आपको टाईम दिया तो उसका मतलब यह नहीं कि आप जो चाहें बोलें।

श्री राम अवधेश सिंह: ठीक है, मैं उतना ही बोलूंगा।

*Expunged as ordered by the Chair

SHRI DIPEN GHOSH: Madam, Mr. Gopalsamy and I wanted to move the resolution as the Leader of the Opposition wanted ...*(Interruptions)* ...Let us be allowed to move that resolution...*(Interruptions)*

THE DEPUTY CHAIRMAN: If, in my wisdom, I adjourn the House without taking a proper decision...*(Interruptions)* ...then, I think, the House will fail in its duty. The House is unanimous in condemning it. But, if we adjourn, it will look as if we have a difference of opinion on this. I know that on my right, on my left and in front, every single Member is for the dignity of our Chairman. Therefore, please do n· ask me to adjourn the House...*(Inte··uptions)* ...Let us finish this in five minutes and then let us adjourn...*(Interruptions)* ...

SHRI P. UPENDRA: Madam, we have agreed to their clause.. *(Interruptions)* ...

श्री भंवर लाल पंवार (राजस्थान): चेयरमैन द्वारा लिये गये निर्णय..**(व्यवधान)**....मैं 1987 की डिबेट में से **(व्यवधान)**....आपके सामने बताना चाहता हूं ....**(व्यवधान)**

THE DEPUTY CHAIRMAN: Just a minute. Don't say anything now...*(Interruptions)* ...

SHRI P. SHIV SHANKER: Madam, may I make one submission?...*(Interruptions)* . .

SHRI DIPEN GHOSH: Let us move the resolution, Madam...*(Interruptions)* ...

THE DEPUTY CHAIRMAN: Mr. Shiv Shanker, if you are moving a resolution, I will allow you. But I will have to give preference to Mr. Gopalsamy because his is the first ..*(Interruptions)* ...

SHRI P. SHIV SHANKER: No, no, Madam. Kindly consider my submission. In the best interests of all, let us pass this unanimously. I would suggest that you can appoint a committee of five persons or two persons and can give half-an-hour's time...*(Interruptions)* ...

SOME HON. MEMBERS: No, no...*(Interruptions)* ...

SHRI P. SHIV SHANKER: You don't want to apply your mind at all?...*(Interruptions)* ...It is only half-an-hour that we want...*(Interruptions)* ...

SHRI V. GOPALSAMY: Madam, it is not done like that ... *(Interruptions)*... I should be allowed to speak.

SHRI P. SHIV SHANKER: Let us coolly prepare the resolution and move it. All of us will pass it; we will pass it unanimously ... *(Interruptions)*. ..

SOME HON. MEMBERS: No...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Just a minute. What is there in a resolution? We are only showing our anguish and our condemnation of somebody if he has written anything wrong. We are not condemning anybody to the gallows ...*(Interruptions)*...It is a matter of unhappiness for me tody because I have been sitting here from 12 o'clock ...*(Interruptions)*...I know the House is united and is unanimous on this ...*(Interruptions)*...We are not asking for somebody to be hanged. Let me hear what the resolution is ... *(Interruptions)*...Now, somebody wants the adjournment for lunch. The lunch hour is already past because it is already 2-30 P.M. now. If Members want such privileges now, it is all right. I will adjourn the House and we will not discuss this at all. This I will do. But this is the attitude of some Members. But my attitude is that we should discuss this matter and then adjourn for lunch ...*(Interruptions)*...

SHRI MOTURU HANUMANTHA RAO (Andhra Pradesh): Madam, we can pass the resolution. Why should we take more time of the House? ...*(Interruptions)*...

SHRI DIPEN GHOSH: Madam, we wanted the resolution to be passed and

[Shri Dipen Ghosh]

you wanted it to be given in writing. It was done and let it be moved now ... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Just a minute ...*(Interruptions)*...Mr. Shiv Shanker is a Member and is also the Leader of the Opposition and if he wants to say something, he has a right to say that and let us not say that we would not allow him. Let us hear him first. It is entirely up to the House to agree or not to agree. But let him say what he wants to say. Yes, Mr. Shiv Shanker.

SHRI P. SHIV SHANKER: Madam, so far as the resolution is concerned, all of us are agreed on that ...*(Interruptions)*...But my difficulty is this: Mr. Morarka has drafted the resolution which I have looked into, not that I have not looked into it. He has admirably drafted it. But the point that I am making is that some of our Members would like to know what the contents are? Should they be denied? ...*(Interruptions)*...Should they be denied?...*(Interruptions)*...

SHRI DIPEN GHOSH: Then, Madam, let it be read out...*(Interruptions)*...

SHRI P. SHIV SHANKER: Should they be denied?...*(Interruptions)*...

SHRI P. UPENDRA: Then let it be read out and let them hear it...*(Interruptions)*...

SHRI P. SHIV SHANKER: Should they be denied?...*(Interruptions)*...

THE DEPUTY CHAIRMAN: No Member should be denied.

SHRI P. SHIV SHANKER: There should be application of the mind of all the persons.

THE DEPUTY CHAIRMAN: Exactly.

SHRI P. SHIV SHANKER: But some of our Members are denied the right to know what is contained in the resolution.

THE DEPUTY CHAIRMAN: Then I will ask Mr. Morarka to read it...*(Interruptions)*...

SHRI P. SHIV SHANKER: No. He has drafted it. He has drafted it and he has passed it on to them...*(Interruptions)*...

THE DEPUTY CHAIRMAN: O.K. Then, I think, I have a solution Let me hear what he has drafted. You have seen. Let me hear. I have also got a right or privilege to know. Let me see what is coming before the House.

SHRI V. GOPALSAMY: I beg to move the following resolution:

> "That this House resolves that Shri K.K. Tewary be issued a notice regarding his statement published in the newspapers today which has brought the office of the Chairman of Rajya Sabha to indignity and constitutes a contempt of this House. If it is confirmed that Shri K.K. Tewary has issued that statement, the House further resolves that Shri K.K. Tewary be summoned to the Bar of this House before the end of the current Session and be reprimanded."
>
> ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: We have not put it to vote. It is only a suggestion. It is only a loud thinking.

SHRI RAM AWADHESH SINGH: He should be summoned to this House. He should be asked to come here.

SHRI KAMAL MORARKA: Since the morning the House has been exercised on this matter. There is no difference of opinion on either side of the House that anybody who has committed a contempt of the House—everybody agrees—should be dealt with appropriately. The only difference that has emerged is that according to the principles of natural justice even a murderer is given a chance. If the person has issued the statement, he should be given a chance. Now, in the light of that

I had the privilege of sitting with the Leader of the Opposition and trying to make a middle-of-the-road draft which takes into account the dignity of the House and safeguards the principles of natural justice. So we have made a resolution which should meet the ends of justice. Now Mr. Shiv Shanker feels that some member of his party may feel otherwise. Some on this side feel and we have more number of people on this side who feel more strongly and want to take an extreme view. I would plead with all the Members of the House to support the resolution which upholds the dignity of all of us and the entire House. The resolution may be moved by Shri Gopalsamy since he was the person who initiated this matter this morning and I appeal to Mr. Shiv Shanker and members in his party and the others on that side to accept this resolution which upholds the dignity of the House as a whole.

SHRI P. SHIV SHANKER: Madam,...

PROF. MADHU DANDAVATE: Shiv Shankerji, would you kinldy yield and given me just one minute? We have very carefully listened to the various speeches made by Members from both sides of the House and particularly Mr. Salve made a statement...*(Interruptions)*...if it comes to that we will reprimand him but before that an opportunity should be given. I would like to appeal to the Leader of the House on one ground. If you take more time,...*(Interruptions)*...if you try to take more time to accommodated many. I can assure you there are many Members on this side who are not satisfied with the dilution of the resolution that has taken place But I will tell you if more and more item is spent on this, more complications will take place. Therefore, I am making, through you, a personal appeal to Mr. Shiv Shanker to leave the matter as it is; we have discussed it with you; we took cognizance of Salveji's views and therefore let this resolution be passed unanimously. I would suggest that someone from this side should move it and you should second it. And unanimously we go to the country that we are all one in defending the dignity of the Chairman and the House.

SHRI DIPEN GHOSH: As has been suggested by Prof. Madhu Dandavate and also by Mr. Kamal Morarka, actually the dispute arose as to whether the right of defence should be given or not as a principle of natural justice ...*(Interruption)*...Mr. Salve, may I draw your attention, it is the right to defence *as a principle of natural justice which* cultiminated in Mr. Salve's specific point and Mr. Bhandare's specific point that Mr. Tewary be given a notice and be heard....*(Interruptions)*...

SHRI P. SHIV SHANKER: Some time has to be given to us. We have our own problems. Why don't you give 15 minutes to us? We are not in a position even to consult within ourselves.

(Interruptions)

SHRI DIPEN GHOSH: The Resolution is very simple. It says:

> "This House resolves that Shri K.K. Tewary be issued notice regarding his statement published in the newspapers today which has brought the office of the Chairman of Rajya Sabha to indignity and constitutes contempt of this House."

A notice has to be given. Then it says:

> "If it is confirmed that Shri K.K. Tewary has issued that statement, the House further resolves that Shri Tewary be summoned to the Bar of the House....."

So, these two points have been taken care of. One is that notice be given and the other is that Shri K.K. Tewary be heard. These two points have been taken care of in this Resolution.

SHRI P. SHIV SHANKER: The Minister for Parliamentary Affairs would move the Resolution and I would request

[Shri P. Shiv Shanker]

that the entire House may accept this Resolution.

SHRI P. UPENDRA: Madam, I beg to move the following Resolution:

> "This House resolves that Shri K.K. Tewary be issued notice regarding his statement published in the newspapers today which has brought the office of the Chairman of Rajya Sabha to indignity and constitutes contempt of this House. If it is confirmed that Shri K.K. Tewary has issued that statement, the House further resolves that Shri Tewary be summoned to the Bar of this House before the end of the current session and be reprimanded."

THE DEPUTY CHAIRMAN : I want to point out one thing. You have not been very clear. Who should issue the notice? Is it the Privileges Committee *(Interruptions)* Who shoud ascretain the facts? You should also say that.

SHRI P. SHIV SHANKER: When the whole House passes the Resolution, it will be the ministerial act by the Rajya Sabha for the purpose of this Resolution.

SHRI SUBRAMANIAN SWAMY: What will be the quantum of punishment and who will decide that?

SHRI P. SHIV SHANKER: I second the Resolution.

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: The motion is declared to be carried unanimously.

The House is adjourned for lunch for one hour.

The House then adjourned for lunch at forty-five minutes past two of the clock.

The House reassembled after lunch at forty-seven minutes past three of the clock, the **Vice-Chairman (Dr. Bapu Kaldate)** in the Chair.

PERSONAL EXPLANATION BY KUMARI SUSHILA TIRIA

THE LEADER OF THE OPPOSITION (SHRI P. SHIV SHANKER): Mr. Vice-Chairman, Sir, the Deputy Chairman has agreed to the Personal Explanation to be made by Kumari Sushila Tiria. She has come down and if you could kindly permit her...

THE VICE-CHAIRMAN (DR. BAPU KALDATE): Sushilaji.

कुमारी सुशीला तिरिया उड़ीसा: उपसभाध्यक्ष महोदय, कल जो घटना कृषि भवन के सामने राजेन्द्र प्रसाद रोड पर हुई उस घटना को ले कर आप लोगों ने हाऊस में मेरे साथियों ने मेरे प्रति जो चिंता व्यक्त की उसके लिए मैं हाऊस को धन्यवाद देना चाहती हूं । मैं चेयरपर्सन मेडम डिप्टी चेयरमैन को भी मेरे बारे में जो उन्होंने चिन्ता व्यक्त की उसके लिए धन्यवाद देना चाहती हूं । 22 मई, 1990 के दिन महम के इश्यू पर युवा कांग्रेस की एक रेली हुई थी, डिमोंस्ट्रेशन हुआ था जो सांसद रमेश चेनीथाला के नेतृत्व में हुआ था। इस प्रदर्शन में इन लोगों का प्रधानमंत्री श्री वी०पी० सिंह के निवास स्थान पर शान्तिपूर्ण प्रदर्शन कर के कुछ मेमोरेंडम देने का इरादा था। इस तरह से भारतीय युवा कांग्रेस के नेतृत्व में, दिल्ली प्रदेश युवा कांग्रेस के जितने वर्कर थे सब प्रधानमंत्री श्री वी०पी० सिंह के निवास पर डिमोंस्ट्रेशन कर रहे थे, शान्तिपूर्ण प्रदर्शन कर रहे थे जिसमें पुलिस ने उन पर ज़बरदस्त लाठी प्रहार किया। इस लाठी प्रहार के कारण उनको इमरजेंसी वार्ड में राम मनोहर लोहिया अस्पताल में भर्ती करना पड़ा। उन लोगों का डिमांस्ट्रेशन का जो मुद्दा था वह मुद्दा इस तरह से था जो हाऊस में भी था। युवा कांग्रेस के कार्यकर्ता इस मुद्दे को ले कर श्री वी०पी० सिंह के निवास पर गये तथा उन लोगों पर जुल्म हुआ तथा उनको अरेस्ट किया गया। अरेस्ट होने के बाद इमरेजेंसी वार्ड में भर्ती कर दिया गया। मैं हाऊस को यह बताना चाहूंगी कि भारतीय युवा कांग्रेस के